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Author and Title

Ohio. Laws, statutes, etc.
Legislative acts.

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1867

Wm. Mc. Gist
GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

FIFTY-SEVENTH GENERAL ASSEMBLY,

OF THE

STATE OF OHIO,

AT THE ADJOURNED SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 2, 1867,

AND

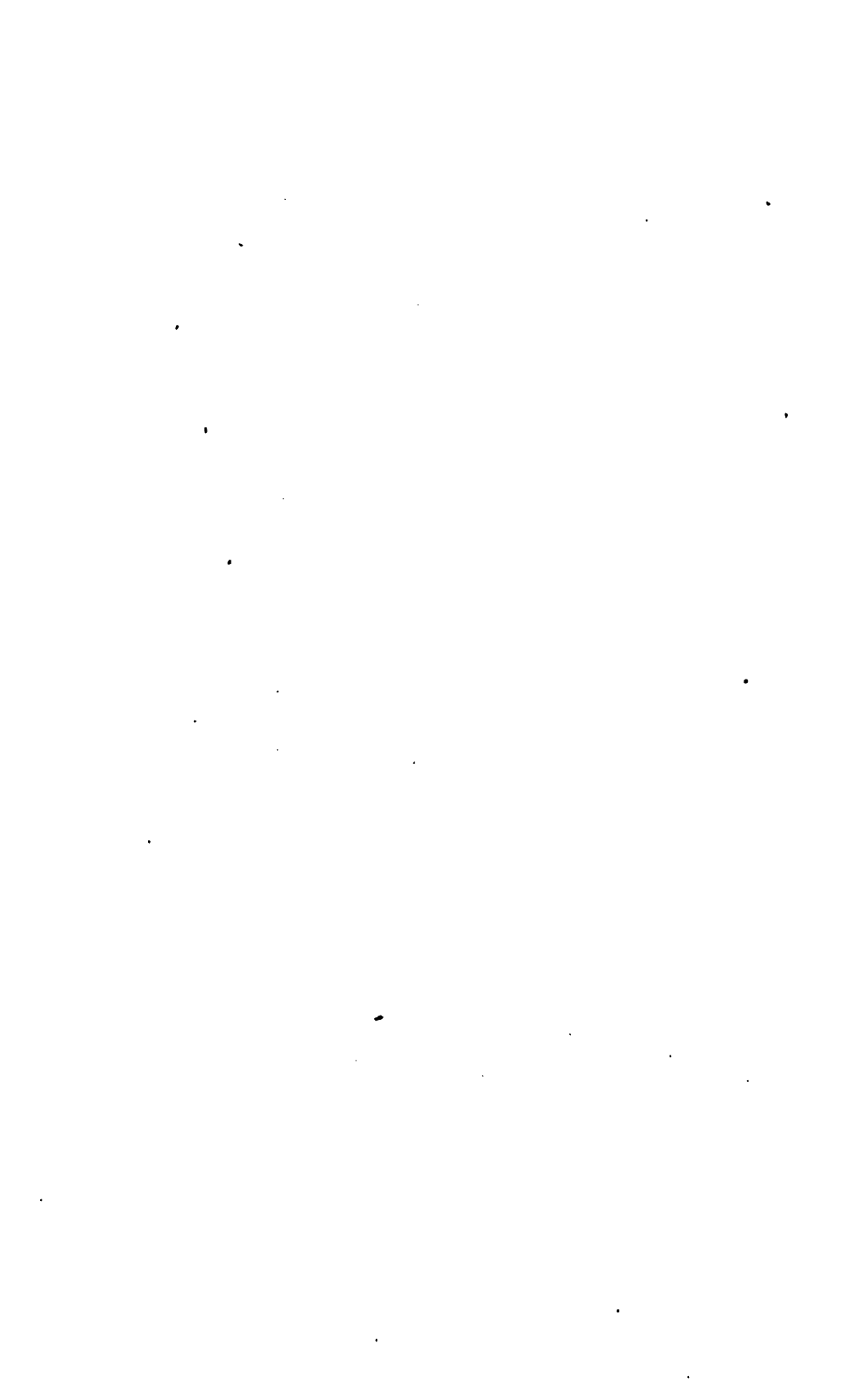
IN THE SIXTY-FIFTH YEAR OF SAID STATE.

VOLUME LXIV.

COLUMBUS:

L. D. MYERS & BRO., STATE PRINTERS.

1867.



GENERAL LAWS.

AN ACT

Making partial appropriations for the year 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated, from any money in the treasury belonging to the general revenue, for the purposes hereinafter named, the following sums:

For provisions and necessary current expenses of the blind asylum, five thousand dollars, and for the payment of the salaries of officers, three thousand dollars.

For provisions and necessary current expenses of the asylum for idiots, five thousand dollars.

For expenses of the trustees of the benevolent institutions of the state, five hundred dollars.

For the payment of the contingent expenses of the different officers and departments of the state government, to be audited by the state auditor, and paid in conformity to law, two thousand dollars.

For the payment of the lieutenant governor, members of the general assembly, their clerks and assistants, sergeants-at-arms and their assistants, and messengers, under laws and resolutions of the senate and house, forty thousand dollars.

To pay the current expenses of the penitentiary, twenty thousand dollars.

To pay the guards or assistant keepers at the penitentiary, three thousand dollars.

For the payment of the costs of prosecution and transportation of convicts to the Ohio penitentiary, ten thousand dollars.

For state printing, twenty thousand dollars.

For binding, fifteen thousand dollars.

To pay expenses of the distribution of the laws and journals of the state, one thousand dollars.

To pay the mileage of county treasurers in settling with the auditor of state, three thousand seven hundred dollars.

To pay salaries of clerks of bureau of soldiers' claims, two thousand dollars.

To pay for the care, collection and transportation of arms, one thousand dollars.

Appropriations for—

Blind and idiot asylums.

Expenses of trustees of benevolent institutions. Contingent expenses state officers.

Members of general assembly and clerks.

Penitentiary.

State printing and binding.

Mileage of county treasurers.

Military clerks and collection of arms.

Tuition of soldiers in state universities.

To pay for tuition of soldiers in the state universities at Athens and Oxford, to be audited and paid out in conformity with the provisions of the act passed February 10th, 1864, and the act amending said act passed April 6th, 1866: For the years 1866 and 1867, eight thousand three hundred dollars.

Governor and state officers.

To pay the salaries of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, attorney general, comptroller of the treasury, commissioner of common schools, commissioner of statistics, state librarian, commissioner of soldiers' claims, private secretary of the governor, superintendent of the state house, and supervisor of public printing, two thousand dollars.

Clerks in adj. gen'l's office.

To pay clerks in the office of the adjutant general, two thousand five hundred dollars.

To pay clerks in the office of the comptroller, one thousand dollars.

Board of military claims.

To pay one clerk, and the current expenses of the board of military claims, fifteen hundred dollars.

State house.

To pay the expenses of taking care of the state house and grounds, three hundred and fifty-five dollars.

To pay the architect for plans and superintending the construction of a stairway and other work for senate committee rooms, one hundred dollars, and for painting done on same, the further sum of one hundred and fifty-three dollars and ninety-three cents.

Reform farm.

For furnaces for three buildings, and repairs of kitchen range at the reform farm, one thousand dollars.

To purchase beds and furniture for two new buildings at said reform farm, fifteen hundred dollars.

Deaf and dumb asylum.

For the current expenses of deaf and dumb asylum, six thousand dollars, and to pay the salaries of the officers at said institution, three thousand dollars.

Stationery.

For stationery, including printing paper, and other articles necessary for the general assembly, ten thousand dollars.

Sergeant-at-arms of senate.

To pay the sergeant-at-arms of the senate, for services in preparing the hall for the meeting of the senate, twenty-five dollars.

Deaf and dumb asylum.

To pay for continuing the work on the deaf and dumb asylum, ten thousand dollars.

State library.

To pay for balance of subscription to magazines by state librarian, and incidental expenses of the state library, one hundred dollars.

Sinking fund.

SEC. 2. That there be, and hereby is, appropriated out of any money in the treasury belonging to the sinking fund, to be applied to the payment of the expenses of the office of the commissioners of the sinking fund, one thousand dollars.

SEC. 3. The sum of forty-nine thousand two hundred and twelve dollars and fifty-five cents, balance of appropriations heretofore made to pay claims allowed under the several acts of May 1st, 1862, (59th O. L., page 102,) March 31st, 1864, (61st O. L., page 108,) April 11th, 1865, (62d O. L., page 121,) and remaining yet unexpended, is hereby transferred and made applicable as well to the payment of claims now allowed or hereafter to be allowed under the act of

Transfer of unexpended balance.

April 6th, 1866, (63d O. L., page 157,) as to the claims allowed under the other above recited acts.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

January 23, 1867.

AN ACT

To amend an act passed April 28, 1854, entitled "an act to amend section one hundred and twenty-five of an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

4 Curwen,
2597. S. &
C. 1533.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and twenty-five of the above recited act be so amended as to read as follows:

Section 125. The police court shall always be open for the dispatch of business, but may adjourn from day to day or from time to time; and the mode in which cases shall be brought before the court, shall be fixed by the ordinance of the city council or a rule of the police court; the jurors in said court shall have the qualifications of jurors in the court of common pleas, and shall be summoned and impauneled in accordance with an ordinance of the city council, or in case the city council shall fail to pass such ordinance, in accordance with a rule of court; and the said court shall have power to compel the attendance of witnesses, jurors, and parties. The police judge shall adopt such rules of practice and procedure as will give all parties a proper statement of any charge against them, and a full opportunity of being heard; but shall, at the same time, dispatch the business with all convenient speed; and all rules of the court shall be written or printed, and posted in the room in which the police court holds its sittings. There shall be a clerk of the police court, who shall perform like duties as the clerk of the court of common pleas, in like cases, and who shall hold his office for the term of three years, and until his successor is elected and qualified. Any clerk of the police court heretofore elected under the provisions of the act to which this is amendatory, shall continue in office until the expiration of the term for which he was elected, and until his successor is elected and qualified; and the clerk of said court shall be elected on the first Monday in April triennially, under the same rules and regulations by which other municipal officers are elected. He shall, before entering upon the duties of his office, take an oath to support the constitution of the United States and of the state of Ohio, and faithfully, diligently and impartially to discharge the duties of his office, and he shall execute bond, with sufficient surety to the city, and to the county commissioners of the county in which such court is situated, in such sum as the city council of said city and the

Police court
—how proceedings of
conducted.

Judge.

Clerk—his
duties, salary,
&c.

Deputy
clerk.

county commissioners of such county shall prescribe, conditioned for the faithful performance of the duties of his office. He shall receive for his services in city cases, a fixed salary or compensation, to be prescribed by an ordinance of the city council; and for state cases prosecuted in said court, such further allowance, not to exceed eight hundred dollars, as the county commissioners of such county shall deem right and proper. He shall have the power to administer oaths, and to appoint two or more deputies, to be approved by the city council, who shall receive such reasonable compensation, not exceeding fifteen hundred dollars per annum, as the city council shall prescribe. In case of the temporary inability of the clerk to perform the duties where no deputy shall have been appointed, the police judge may appoint some competent person, who shall give bond to the satisfaction of the judge, and take the oath prescribed in this section, and shall perform all the duties and have all the powers imposed upon said clerk, and be paid out of the city treasury, on the order of the city council, at the same rate as the clerk is paid for similar services; provided, that such appointment shall be valid only until the disability of such clerk may be removed. The clerk of said court shall not be concerned as counsel or agent in the prosecution or defense of any case before said court.

SEC. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

January 23, 1867.

AN ACT

Prescribing the times of holding the courts of common pleas and district courts in the seventh judicial district of the state of Ohio.

District
court--times
of holding in
seventh dis-
trict.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the district courts for the seventh judicial district for the year 1867, shall be held as follows, to-wit: In the county of Washington, April 11th; in the county of Meigs, April 15th; in the county of Gallia, April 17th; in the county of Lawrence, April 19th; in the county of Scioto, April 22d; in the county of Pike, April 26th; in the county of Perry, September 3d; in the county of Fairfield, September 5th; in the county of Hocking, September 9th; in the county of Athens, September 12th; in the county of Vinton, September 16th; in the county of Jackson, September 20th. The courts of common pleas for the several counties of the said seventh judicial district for the year 1867, shall be held as follows, to-wit: In Hocking county, February 19th, May 14th, October 1st; in Perry county, March 12th, May 21st, October 15th; in Fairfield county, March 26th, June 4th,

Court of com-
mon pleas--
times of
holding in
seventh dis-
trict.

November 5th; in Lawrence county, February 11th, May 13th, September 23d; in Gallia county, February 25th, May 27th, October 7th; in Scioto county, March 18th, June 17th, October 28th; in Pike county, February 18th, April 29th, October 1st; in Jackson county, February 26th, May 7th, October 9th; in Vinton county, March 18th, June 4th, October 29th; in Meigs county, February 11th, May 1st, September 23d; in Washington county, March 4th, May 27th, October 16th; and in Athens county, March 29th, June 21st, November 11th.

SEC. 2. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed January 24, 1867.

AN ACT

To amend an act entitled "an act to authorize certain cities of the first class to issue bonds for the purchase of gas works," passed April 6, 1866. (O. L., vol. 63, page 189.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, three and four of the above recited act be amended so as to read as follows :

Section 1. That whenever it shall be deemed expedient, and for the public good by the city council of any city of the first class, having a population exceeding one hundred and fifty thousand inhabitants, to purchase the gas works of any incorporated company located in such city, such city council shall for the above purpose have the power, and are hereby authorized, to issue the bonds of such city in any sum not exceeding three millions dollars, payable at such dates, not exceeding forty years, as the city council may determine, and bearing a rate of interest not exceeding the legal rate per cent. per annum, at the time such bonds are issued; provided, that no portion of said bonds shall be issued until after the question of the purchase of the gas works shall be submitted to a vote of the qualified electors of said city, at a special election to be held for that purpose to be ordered by the city council of said city, of which not less than twenty days' notice shall be given in all the daily papers of said city; and, further provided, that at such election the majority of said electors shall decide in favor of such purchase; provided further, that where such an election has been held under the act to which this is amendatory, then no election for the same purpose shall be again required.

Certain cities of first class may purchase gas works.

Question must be submitted to legal voters.

SEC. 2. When such purchase shall have been made, said city council shall appoint a board of five trustees, who shall manage the said gas works and supply said city, and the citizens thereof, with gas until their successors shall be elected and qualified, as hereinafter provided.

Trustees.

Election of
trustees.

SEC. 3. At the annual election occurring next after such purchase, the qualified voters of said city shall elect a board of five trustees, to be known as the trustees of gas works, who shall hold their offices for the term of five years, except at the first election under this act, at which one person shall be chosen for one year, one person for two years, and one person for three years, and one person for four years, and one person for five years; and thereafter one of said trustees shall be elected annually; and said trustees, and their successors, shall receive no salary or other compensation, pay, or perquisites of office whatever.

—their pow-
ers and du-
ties.

SEC. 4. The board of trustees, provided for in the preceding section, shall have power to purchase material, employ laborers, appoint officers, purchase or lease necessary real estate, and erect buildings, extend gas pipes, construct gas works, manufacture and sell gas and coke, collect gas bills, and other moneys due for gas, coke, or other material sold by them, and disburse the same; to manage and conduct and control said gas works; to prescribe by by-laws the price of gas and coke, under such rules and regulations as by ordinance the city council may prescribe, and the manner of using gas; and they shall be required to report to the city council as often as said city council may deem proper.

SEC. 5. This act shall take effect from and after its passage, and that sections one, two, three and four of the original act above recited be and the same are hereby repealed.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed January 26, 1867.

AN ACT

3 Curwen,
2153.

4 Curwen,
2720-3078.

Supplementary to "an act to provide for the organization of cities and incorporated villages," passed May 3d, 1852, (S. & C., section 26, page 1491.) and the amendment passed March 11th, 1854, [1853] (S. & C., 1527,) and a supplementary act passed April 8th, [5th] 1856, (S. & C., 1542,) and supplementary to the act passed April 12th, 1858, (O. L., vol. 55-70,) and supplementary to the act passed March 11th, 1863, (O. L., vol. 60, page 14,) and supplementary to the act passed March 25th, 1864, (O. L., vol. 61, page 64,) and the act passed April 11th, 1865, (O. L., vol. 62, page 117,) and supplementary to the act passed April 5th, 1866, (O. L., vol. 63, page 144.)

House con-
necting sew-
ers, gas and
water pipes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the city council of any city, upon the recommendation of the board of city improvements, to provide by ordinance for the construction in any street or public highway within such city, of proper house connections, branches leading into all main or branch sewers, and also water pipes and gas pipes in such streets or highways, and to assess the costs and expenses thereof, upon the lots or parcels of land for the accommodation of which such connections, branches and pipes may be constructed; provided, that in no case, excepting as a sanitary measure,

shall such city council require said house connection to be built further from such sewer than to the inner line of the curbstone of such street or highway.

SEC. 2. When any of the improvements above provided for shall have been made, the city council shall pass an ordinance assessing the cost thereof upon the lots or parcels of ground for the accommodation of which such improvements were made, and said ordinance shall declare the time within which said assessment shall be paid into the city treasury or to the person or persons entitled to receive the same, under any contract with the city, as the case may be, and if the amount so assessed be not paid within such time, interest at six per cent. may be demanded and recovered; said assessment shall be binding on the owner or owners of such lots or parcels of land personally, and shall also be a lien upon such lots or parcels of land as against any owner or owners, or any person or persons claiming any interest whatever therein, and the amount thus assessed, together with the interest and a penalty of five per cent., may be recovered by suit before a justice of the peace or other court of competent jurisdiction, against such owner or owners, in the name of such city, or in the name of any person or persons who shall, under any contract with said city, be entitled to demand the same. And such lien may be enforced by proceedings in any court of the county having jurisdiction in similar cases, and any of said courts shall have and take jurisdiction of any such proceedings or action, and proceed as in other cases.

Cost of improvements,
how assessed
and collected.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed January 26, 1867.

AN ACT

To fix the salaries of certain state officers, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several officers hereinafter named, shall be entitled to receive for their services the following sums annually: The governor, four thousand dollars; the lieutenant governor, eight hundred dollars; the judges of the supreme court, three thousand dollars; the judges of the common pleas courts, two thousand five hundred dollars; the secretary of state, two thousand dollars; the treasurer of state, three thousand dollars; the auditor of state, three thousand dollars; the attorney general, fifteen hundred dollars, and three per centum on all collections made by him for the state; provided, the aggregate amount of his compensation, including said per cent., shall not exceed two thousand dollars per annum during the term of his office; the members of the board of public

Salaries of
Governor,
Lt. Governor
and certain
State officers.

Salaries—
when and
how paid.

works, each, eight hundred dollars, and no more, in the form of traveling expenses or otherwise; and the comptroller of the treasury, seventeen hundred dollars; all of which said salaries shall be paid in equal installments at the state treasury on the second Monday of May, August, November and February of each year; provided, that nothing herein contained shall be so construed as to alter the compensation of any of the aforesaid officers now in office, as fixed by laws in force when their term of office commenced. But such officers now in office shall be paid the same as though said acts were not repealed.

SEC. 2. That section one of an act entitled "an act to fix the salaries of certain state officers, and to repeal certain acts therein named," passed February 8th, 1865, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed January 24, 1867.

AN ACT

3 Curwen,
1902.
S. & C., 996.

To amend section one hundred and seventy-one of "an act to establish a code of civil procedure," passed March 11th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and seventy-one of the act aforesaid be amended so as to read as follows:

Section 171. A defendant arrested may, at any time before judgment in the action, apply on motion to the court in which suit is brought, if in session, and in vacation to a judge thereof, or to any judge of a court of record of the state to vacate the order of arrest, or to reduce the amount of the bail; and the court or judge shall allow to him such time for preparation, and the hearing of the motion, as shall be just and reasonable. Reasonable notice of such motion must be given to the plaintiff.

SEC. 2. This act shall take effect upon its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed January 28, 1867.

AN ACT

To change the time fixed for holding the third term of the court of common pleas, in the county of Fayette, for the year A. D. 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the judges of the fifth

judicial district of the state of Ohio, for holding the third or fall term of the court of common pleas, in the county of Fayette, be changed, and that said term of the court of common pleas be held in said county of Fayette, on the twelfth (12th) day of November, A. D. 1867.

Time of holding fall term of court in Fayette county.

SEC. 2. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed February 1, 1867.

AN ACT

To amend section 116 of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and [of] the duties of constables in civil cases," passed March 14th, 1853. (S. & C., page 790.)

3 Curwen,
2071.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 116 of the above entitled act be so amended as to read as follows:

Section 116. If the appellant shall fail to deliver the transcript and other papers, if any, to the clerk and have his appeal docketed as aforesaid, on or before the thirtieth day from the rendition of the judgment appealed from, the appellee may, thereafter, at the term of said court next after the expiration of said thirty days, file a transcript of the proceedings and judgment of such justice, and the said cause shall, on motion of the appellee, be docketed; and the court is authorized and required, on his application, either to enter a judgment in his favor similar to that entered by the justice of the peace, and for all costs that have accrued in said court and award execution thereon; or such court may, with the consent of said appellee, dismiss the appeal at the cost of the appellant, and remand the cause to the justice of the peace, to be thereafter proceeded in as if no appeal had been taken.

Proceedings
in cases of
appeal.

SEC. 2. That said original section 116 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 4, 1867.

AN ACT

Fixing the time for holding the various terms of court in the second subdivision of the fourth judicial district of Ohio, for 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several terms of the court of common

Salaries—
when and
how paid.

works, each, eight hundred dollars, and no more, in the form of traveling expenses or otherwise; and the comptroller of the treasury, seventeen hundred dollars; all of which said salaries shall be paid in equal installments at the state treasury on the second Monday of May, August, November and February of each year; provided, that nothing herein contained shall be so construed as to alter the compensation of any of the aforesaid officers now in office, as fixed by laws in force when their term of office commenced. But such officers now in office shall be paid the same as though said acts were not repealed.

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ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed January 24, 1867.

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SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and seventy-one of the act aforesaid be amended so as to read as follows:

Section 171. A defendant arrested may, at any time before judgment in the action, apply on motion to the court in which suit is brought, if in session, and in vacation to a judge thereof, or to any judge of a court of record of the state to vacate the order of arrest, or to reduce the amount of the bail; and the court or judge shall allow to him such time for preparation, and the hearing of the motion, as shall be just and reasonable. Reasonable notice of such motion must be given to the plaintiff.

SEC. 2. This act shall take effect upon its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

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February 4, 1867.

AN ACT

Fixing the time for holding the various terms of court in the second subdivision of the fourth judicial district of Ohio, for 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several terms of the court of common

Times of
holding
court in
fourth judi-
cial district.

pleas, for 1867, in the second sub-division of the fourth judicial district of Ohio, be held as follows:

In Lorain county, March 5th, June 4th, and November 19th; in Medina county, February 19th, May 21st, and November 5th; and in Summit county, April 30th, and October 15th. Provided that this act shall in no wise effect the holding of the term of court in the county of Summit, which commenced on January 29th, 1867.

SEC. 2. This act shall take effect from its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 4, 1867.

AN ACT

Making an appropriation in part to pay for the public printing of the state, for the year 1867.

Appropriation for
printing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of any money in the treasury belonging to the general revenue, and not otherwise appropriated, to pay for the public printing of the state, for the year 1867, the sum of eight thousand dollars.

SEC. 2. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 14, 1867.

AN ACT

Supplementary to an act entitled "An act to authorize county commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said roads," passed April 5th, 1866.

Free turn-
pikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this state shall have the power to purchase and make free any turnpike road, or part of such road, within the limits of their respective counties, on the conditions and by the procedure which are provided for the construction or improvement of roads in the act to which this is supplementary.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 14, 1867.

AN ACT

To amend and repeal section three of an act entitled "An act to provide for the partition of real estate," passed February 17, 1831. (S. & C. Stat., p. 895-896, Sec. 3.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of the act entitled "an act to provide for the partition of real estate," passed February 17, 1831, be and the same is hereby amended so as to read as follows:

Section 3. That the demandant in any petition shall give notice in some newspaper in general circulation in each county where the lands lie, or shall give personal notice in writing to each and every person concerned, their agent or attorney, at least forty days previous to the granting, by the court, of an order of partition, as in the other sections of this act provided, setting forth the pendency and demand thereof.

Partition of
real estate.

SEC. 2. That section third of said act is hereby repealed, and this act shall take effect from the date of its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 14, 1867.

AN ACT

For the relief of sureties of justices of the peace, constables and township treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any surety or sureties of any justice of the peace, constable, township treasurer, or any township officer, at any time, to notify the township trustees, by giving at least five days' notice in writing, that he or they are unwilling to continue as security for such officer, and will, at a time therein named, make application to said township trustees to be released from further liability upon the bond of such officer; and shall also give at least three days' notice in writing to such officer, of the time and place at which such application will be made.

Sureties of
justices and
constables
may be re-
leased on giv-
ing five days'
notice.

SEC. 2. It shall be the duty of the township trustees, upon such notice being given, to hear such application, and if in their opinion there is good reason therefor, they shall require such officer to give a new bond, conditioned according to law, and the sureties upon said first bond shall be released and exonerated from further liability thereon; and thereupon said trustees shall require such officer to give a new bond, conditioned according to law, and to the satisfaction of said trustees, within such time as they may direct; and if said officer shall fail to execute such bond as aforesaid, the office shall be deemed vacant, and shall be immediately filled as other vacancies in said office; but such original surety or sureties shall not be released or discharged until the filing of

Township
trustees to
hear applica-
tion and re-
quire new
bonds.

the new bond, or the expiration of the time allowed therefor; and such original surety or sureties shall be liable only for the official acts of such officer from the time of the execution of the original bond to the filing of the second bond, or the expiration of the time allowed therefor; provided, that the cost of such application shall be paid by the person or persons making such application.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 15, 1867.

AN ACT

3 Curwen,
1835.

Supplementary to the act entitled "An act to provide for the organization of cities and incorporated villages," passed May 3, 1852. (Swan & Critchfield, p. 1493.)

Additions to
cities and
villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any addition or additions of lots or lands shall have been made to any city or incorporated village, not in due form and manner of law, through mistake, and the same, as part of said city or incorporated village, has been recognized as a part of said city or incorporated village, taxed, and taxes thereon paid, and subjected to the ordinances and the authority of the council of said city or incorporated village, without objection, said addition or additions, together with all public grounds, streets and alleys within the same, shall in law be deemed and taken to be included in, and shall be a part of, said municipal corporation, and the inhabitants thereof shall in all respects be citizens of said municipal corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 15, 1867.

AN ACT

To amend section twenty-eight of an act entitled "An act concerning the relation of guardian and ward," passed April 12, 1853, as amended by section three of an act entitled "An act supplementary to and to amend the act concerning the relation of guardian and ward," passed March 30, 1862. (S. & C., p. 672)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-eight of the act first above

named, as amended by the act second above named, be so amended as to read as follows :

Section 28. Upon such bond being filed and approved by the court, it shall order the sale of such real estate, providing in the order for reasonable notice and the place of such sale in the county in which such real estate shall lie; and the credit to be given for the payment of the purchase money, and the deferred payments of the purchase money, shall be secured by a mortgage executed by the purchaser on the real estate sold, and they shall bear interest at the legal rate per annum from the day of sale, payable annually; provided, however, that if it is made to appear to such probate court that it will be more for the interest of said ward to sell such real estate at private sale, it may authorize said guardian to sell, either in whole or in parcels, and upon such terms of payment as may be prescribed by the court; and in no case shall such real estate be sold at private sale for less than the appraised value thereof.

Sale of real estate by guardians.

SEC. 2. That said section twenty-eight be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

Passed February 15, 1867.

AN ACT

To amend section 543 of the code of civil procedure. (2d Swan & C. St., page 1116; sec. 15th O. St. Rep. p. 481.)

3 Curwen,
2027.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five hundred and forty-three of the code of civil procedure be amended so as to read as follows, viz :

Sec. 543. In all cases in which the plaintiff is a non-resident of the county in which the action is to be brought, before commencing such action, the plaintiff must furnish sufficient surety for costs. The surety must be a resident of the county where the action is to be brought, and approved by the clerk. His obligation shall be complete simply by endorsing the summons or signing his name on the petition as surety for costs. He shall be bound for the payment of all costs which may be adjudged against the plaintiff in the court in which the action is brought, or in any other to which it may be carried, and for all costs which may be taxed against the plaintiff in such action, whether he obtain judgment or not; provided, that instead of giving security as above, the plaintiff may deposit with the clerk of the court such sum of money as security for costs in the case, as in the opinion of the clerk shall be sufficient for the purpose.

Plaintiff must furnish security for costs;

—or deposit money with clerk of court for costs.

But the court may, on motion of the defendant, and if satisfied that such deposit is not sufficient, require the same to be increased, or personal security to be given.

SEC. 2. That the said original section 543, as amended April 18th, 1861, be, and the same is hereby repealed. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 15, 1867.

AN ACT

To amend an act passed March 16th, 1865, entitled "an act supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3d, 1852." (O. L., vol. 62, page 45.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the act passed March 16th, 1865, and entitled "an act supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3d, 1852," be and the same is hereby amended so as to read as follows :

Section 1. That it shall and may be lawful for the council of any incorporated village, through or into which any turnpike road shall pass or enter, with the consent of the authority having control or direction of such turnpike road, to cause to be constructed on the sides of such turnpike road, sidewalks not exceeding twelve feet in width, and gutters for the passage of water ; and also to cause the same when constructed to be kept in proper order and repair, and the said council shall have power and authority for the purpose of the construction or repair of such sidewalks or gutters, to assess and collect the charges and expenses thereof, on the owners of lots and lands abutting on such turnpike road, and to supervise and control the said sidewalks and gutters in all respects as if said turnpike road were a street of said incorporated village.

SEC. 2. That the said original first section of said act as passed March 16th, 1865, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 15, 1867.

Council of
village may
cause side-
walks to be
constructed.

AN ACT

To provide for collecting certain statistics, and to repeal "an act to provide for collecting the statistics of crime," passed May 1, 1852.

3 Carwen,
1868.
S. & C., 1227.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each clerk of the court of common pleas in this state shall, within ten days after the first day of July of each year, report to the commissioner of statistics all crimes prosecuted by indictment in his county during the year next preceding; which report shall specify the number of persons prosecuted, and for what crimes; the result of prosecutions for each crime, whether execution, imprisonment in the penitentiary, imprisonment in the county jail, fined, acquitted, *nolle prosequi*, failure to arrest, escape, or death, or whether still pending. Such report shall also specify the total amount of costs, the amount taxed against defendants, and the amount collected; the total amount of fines assessed, the amount collected and probable amount collectable; the total amount collected on forfeited recognizances, and the amount collectable; the number of cases under each class of indictment wherein the counsel for the defense was paid by the county, and the average allowance under each class; and the number of each class of crimes probably committed under the influence of intoxicating liquors. Said report shall also show the number of suits for divorce, with the cause and the result in each case; and also such other information of general interest as said commissioner shall require.

Clerks of courts to report number of prosecutions, &c., to the commissioner of statistics.

SEC. 2. The year to be embraced in said report shall end on the first day of July; and the report shall specify the number of indictments pending at the close of the previous year, and for what crimes; the number of indictments found within the year, and for what crimes; and the number of indictments pending at the close of the year embraced in the report, and for what crimes. The said commissioner shall furnish blanks to said clerks, so arranged as to embrace every item required to be specified in the report. And any clerk as aforesaid failing to make said report within the time provided in this act, shall forfeit twice the amount that he would have received as compensation for such services, had he complied with the provisions of this act. Such forfeiture to be deducted by the county commissioners from the bill submitted by said clerk in accordance with section six of "an act to regulate the fees of clerks of the court of common pleas," passed April 13, 1865.

Commissioner to furnish blanks.

Penalty for refusal to report.

SEC. 3. The clerks of court aforesaid shall receive as compensation for the services required by this act to be performed by them, the fees following: For each case reported, not over fifty, the sum of twenty-five cents; and for each additional case, ten cents. Said allowance or compensation to be paid in the manner provided in section six of "an act to regulate the fees of clerks of the court of common pleas," passed April 13th, 1865, for certain fees allowed by said act;

Compensation for reporting.

Duty of
county com-
missioners.

provided, however, that the county commissioners of each county, at their next meeting after the time specified for the making of said report, at which said clerk shall present his bill, in pursuance of section six of the act "to regulate the fees of clerks of the court of common pleas," above recited, shall satisfy themselves that the said clerk has made the report required by this act, within the time specified, before allowing said bill; and if said commissioners shall ascertain that said report has not been made as required, they shall proceed to deduct from said bill before allowing it, the amount required in section two of this act.

SEC. 4. That "an act to provide for collecting statistics of crime," passed May 1, 1852, (S. & C. 1227,) be and the same is hereby repealed; and this act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

February 21, 1867.

AN ACT

To enable associations of persons for raising funds to be loaned among their members for building them homesteads and other purposes, to become bodies corporate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons, not less than five, may associate themselves together and become a corporation, as provided in the 63d, 64th and 65th sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852, for the purpose of raising moneys to be loaned among the members of such corporation for use in buying lots or houses, or in building or repairing houses, and such corporation shall be authorized and empowered to levy, assess and collect from its members such sums of money by rates of stated dues, fines, interest on loans advanced, and premiums bid by members for the right of precedence in taking loans as the corporation by its by-laws shall adopt; also, to acquire, hold, encumber and convey all such real estate and personal property as may be legitimately pledged to it on such loans, or may otherwise be transferred to it in the due course of its business; provided, that the dues, fines and premiums so paid by members of such corporation, although paid in addition to the legal rate of interest on loans taken by them, shall not be construed to make the loans so taken usurious; and provided also, that no person shall hold more than ten shares in any such association in his own right.

How com-
pany may
acquire capi-
tal.

Liability of
stockholders.

SEC. 2. All stockholders of any such association shall be deemed and held liable to an amount equal to their stock subscribed, or by them at any time held, in addition to said

stock for the purpose of securing the creditors of said association.

SEC. 3. This act shall be in force from its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

February 21, 1867.

AN ACT

To authorize the cities of the first class having a population of over one hundred thousand inhabitants to levy a tax for sewerage purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class having a population of one hundred thousand inhabitants at the last federal census, is authorized and required to levy an annual tax of three-fourths of one mill on the dollar valuation of the taxable property of said city, for the exclusive purpose of building the Eggleston avenue sewer.

Tax may be assessed for building the Eggleston sewer;

SEC. 2. Said city council is also authorized, in addition to the power already granted, to levy a tax of three-fourths of one mill on the dollar valuation of the taxable property of said city for general sewerage purpose.

—and for general sewerage purposes.

SEC. 3. Said city council shall have power to anticipate all or part of said levies in any one year by temporary loans, or temporarily transferring other funds to the credit of either or both the above funds.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

February 21, 1867.

AN ACT

To amend section one of an act entitled "an act to authorize the establishment of lines of true meridian in [the several counties of] the state of Ohio." (S. & C., page 867.)

2 Curwen,
1135.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:

Section 1. That the commissioners of each and every county in the state of Ohio be and are hereby required, where the same has not been done, to employ some suitable person of competent skill to establish, at or near the county seat of each county, respectively, lines not exceeding forty rods or perches in length, corresponding with the true meridian of the place

Lines of true meridian—how established.

to be determined by observation of the transit of the polar star, or of its greatest elongation, to be rectified by observations of the sun's amplitude.

SEC. 2. That section one of the above recited act is hereby repealed.

SEC. 3. This act shall be in force from its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

February 21, 1867.

AN ACT

To amend section 489 of the code of civil procedure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 489 of the code of civil procedure be and is hereby amended so as to read as follows, viz :

Section 489. That in all cases in which a judgment shall be rendered by a justice of the peace, or mayor of any city or incorporated village, the party in whose favor judgment shall be rendered, may at any time after ten days from the day of rendering such judgment, if the same shall not be appealed or stayed, file a transcript of such judgment in the office of the clerk of the court of common pleas of the county in which the judgment was rendered, and thereupon the clerk shall, on the day on which the same shall be filed, enter the case on the execution docket, together with the amount of the judgment and the time of filing the transcript.

SEC. 2. That the original section 489 be and the same is hereby repealed, and this act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed February 21, 1867.

AN ACT

To amend section forty-seven of an act relative to wills, and to repeal former acts relating thereto. (1 S. & C., 1625.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-seven of said act be so amended as to read as follows:

Section 47. That the several courts of probate of this state shall have full power and authority to admit to probate, any last will and testament which such court may be satisfied was duly executed according to the provisions of the law upon the subject in force at the time of the execution of such last will and testament, and not revoked at the death of the test-

4 Curwen,
2017, 2712,
2870.
S. & C., 1093.

When trans-
cript of
judgment
may be filed
in the office
of clerk of
court.

3 Curwen,
1910.

Wills, when
lost or de-
stroyed, may
be admitted
to probate.

ator, when such original will has been lost, spoliated or destroyed, subsequent to the death of such testator, or after the testator has become incapable of making a will, by reason of insanity, and cannot be produced in court in as full, ample and complete a manner as such courts now admit to probate last wills and testaments, the originals of which are actually produced in court for probate.

SEC. 2. Said original section forty-seven is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed February 21, 1867.

AN ACT

To amend section ten of an act entitled "an act for the punishment of certain offenses therein named," passed March 1, 1831, took effect June 1, 1831. (S. & C., 425.) 3 Curwen, 2368.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of an act entitled "an act for the punishment of certain offenses therein named," passed March 1st, 1831, took effect June 1st, 1831, be so amended as to read as follows:

Section 10. That if any person shall unlawfully assault or threaten another in a menacing manner, or shall unlawfully strike or wound another, the person so offending shall, upon conviction thereof, be fined in any sum not exceeding one hundred and fifty dollars, or imprisoned in the jail of the county not exceeding six months, and may be confined in the cell or dungeon of the jail and fed on bread and water only during any portion of such imprisonment as the court may adjudge, not exceeding ten days, or both, at the discretion of the court, and shall, moreover, be liable to the suit of the party injured.

Penalty for
assaulting or
wounding.

SEC. 2. This act shall take effect and be in force on its passage and section ten of the above recited act be and the same is hereby repealed.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed February 21, 1867.

AN ACT

To amend section 50 of an act entitled "an act to provide for the organization of cities and incorporated villages, passed May 3, 1852. (S. & C., page 1493.) And to authorize the council of incorporated villages to levy a tax for police purposes. 3 Curwen, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifty of the act above recited, be

Treasurer,
marshal,
police, etc.,
may be
elected or
appointed.

so amended as to read as follows: Section 50. The council of any incorporated village shall have power to provide by a by-law or an ordinance, for the election of a treasurer, and appointment or election of marshal, police and such other subordinate officers as they may think necessary for the good government of the corporation; to prescribe their duties and compensation, or the fees they shall be entitled to receive for their services; to require of them an oath of office, and a bond with surety for the faithful discharge of its duties, and to prescribe their term of office; provided, that the marshal and police shall be subject to removal at any time, by the council, when in their judgment such measure is necessary for the best interests of the village, by reason of incompetency of such officer or officers, or for any other cause.

Council may
levy tax for
payment of
police, etc.

SEC. 2. The council of any incorporated village is hereby authorized, in addition to other taxes now authorized by law, to levy such tax annually as may be necessary for the payment of said marshal and police, and providing for the safety of such village; provided, that such tax shall not exceed the sum of one mill on the dollar of the valuation of property in said village.

SEC. 3. That original section fifty of the above recited act be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed February 21, 1867.

AN ACT

3 Curwen,
2210.

Supplementary to an act entitled "an act to amend and supplementary to an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14, 1852," [1853] and the acts amendatory thereto, passed March 18th, 1864. (Laws of Ohio, Vol. 61, page 31.)

Cost of pur-
chasing
school house
sites and im-
proving
school houses
may be esti-
mated sepa-
rately.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township board of education of any township in the state shall have power, during the years 1867 and 1868, when in their opinion justice and equity require it, to estimate separately, the cost of purchasing a school house site, and erecting or repairing a school house thereon, in any particular sub-district or fractional sub-district of the township, wherein the inhabitants have not heretofore borne a reasonable share of the burthen of taxation for such purpose, in comparison with other sub-districts in the township, and certify such portion as they may deem just and equitable of the amount of such estimate to the county auditor of the proper county, together with a map of the lands, and the names of the tax payers in any such sub-district, which amount so certified, shall be assessed by the

auditor on the property therein subject to taxation, and placed on the county duplicate specially, and be collected and paid over in the same manner as other school taxes, and be applied for the specific purpose of providing a school house in such sub-district; provided, that such tax shall not be assessed in any sub-district which may be hereafter created, unless the said sub-district shall be composed in whole of territory upon which such tax has not heretofore been levied.

SEC. 2. This act shall be in force from its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed February 21, 1867.

AN ACT

To amend a certain act therein named in relation to the purchase of steam or other fire engines by incorporated villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to authorize incorporated villages in this state to borrow money and levy taxes for the purpose of purchasing fire engines, and to build engine houses," passed April 11th, 1865, be and is hereby amended so as to read as follows:

Section 1. That the council of any incorporated village, having at the last federal census one thousand inhabitants, or over, in this state, shall have power to borrow money, not to exceed ten thousand dollars, for the purpose of purchasing or repairing steam or other fire engines, hose and apparatus for the same, and for building or repairing engine house or houses, and for keeping up a fire department in said village.

Village council authorized to borrow money for purchase of steam engines, &c.

SEC. 2. That section second of said above described act be and is hereby amended so as to read as follows:

Sec. 2. That the mayor of any such village which shall have resolved to borrow money for the purposes aforesaid, shall, under the direction of the council, issue bonds for the amount so to be borrowed, payable at such time or times as the council shall direct, with interest not to exceed the legal rate payable annually; provided, said bonds shall not be disposed of for less than their par value; and provided further, that said bonds shall not be made payable so as to require more than two thousand dollars of the principal to be paid in any one year.

Mayor of village may issue bonds.

SEC. 3. That said original sections one and two of the above recited act be and the same are hereby repealed, and this act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

February 25, 1867.

AN ACT

To provide for the appointment of a law librarian of the supreme court.

Law libra-
rian—term of
office &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judges of the supreme court be and are hereby authorized to appoint a law librarian of the supreme court, whose term of office shall continue three years, whose duty it shall be to attend the sessions and act as crier of the court, have charge of the law library and rooms provided for the use of said court, and that during the sessions of the court the said law librarian shall, on his own account, furnish an assistant, such as shall be acceptable to the court, and shall perform such other duties as said court may direct; the judges of said court shall have power to remove said librarian from office at any time, for such cause or causes as they may deem sufficient, to be entered of record in the journals of said court, ten days notice of such intention being given to said law librarian.

Oath, bond,
&c.

SEC. 2. The said law librarian, before entering upon the discharge of his official duties, shall take an oath, to be administered by one of the judges, to support the constitution of the United States and the constitution of the state of Ohio, and an oath of office; give a bond in the penal sum of five thousand dollars, with good and sufficient surety, to be approved by the chief justice, made payable to the state of Ohio, conditioned that he shall faithfully discharge the duties of law librarian, and deliver over to his successor in office all books and papers in his possession, which bond shall be deposited in the office of the state treasurer for safe keeping; and said law librarian shall execute and deliver to the state librarian a receipt for all books and other property belonging to the law library, or which may hereafter be purchased for, or be presented to said library, specifying in said receipt each book or set of books, or articles of property separately, which receipt shall be filed in the office of the state treasurer; and in case of death, resignation or removal from office of the law librarian, all books and other property belonging to the law library, shall immediately be delivered to his successor in office who shall receipt for the same to the state librarian, which receipt shall be filed with the treasurer of state, and a credit shall be entered on the receipt of the former law librarian accordingly.

Books and
other prop-
erty.

Salary of
librarian.

SEC. 3. That said law librarian shall be entitled to receive for his services the sum of fifteen hundred dollars annually, to be paid in equal installments at the state treasury, on the second Monday of May, August, November and February of each year; provided, that no installment shall be paid as aforesaid, until approved by one of the judges of the supreme court.

SEC. 4. That the act entitled "an act fixing the compensation of crier to the supreme court of the state of Ohio," passed February 19, 1853, and the act entitled "an act creating the office and fixing the compensation of a messenger

of the supreme court of the state of Ohio," passed April 6, 1865, be and the same are hereby repealed.

SEC. 5. This act shall take effect from and after the ninth day of February, A. D. 1867.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 16, 1867.

AN ACT

Regulating taverns and repealing certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any tavern keeper shall permit or allow any kind of rioting or reveling, intoxication or drunkenness in his house, or on his or her premises, every such tavern keeper shall, for every such offense, on conviction, be fined not less than five nor more than one hundred dollars.

Penalty for
permitting
rioting,
drunkenness,
&c., in tav-
erns.

SEC. 2. That the act entitled "an act granting licenses and regulating taverns," passed March 3, 1831, took effect June 1, 1831, and the acts amendatory thereto, passed February 25, 1833, February 3, 1845, and February 17, 1835; also an act entitled "an act explanatory of the act entitled 'an act granting licenses and regulating taverns,'" passed March 3, 1831, and (of) the act amendatory thereto, passed February 25, 1833, passed and took effect February 24, 1834, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 27, 1867.

AN ACT

To amend "an act to fix the compensation of members and officers of the General Assembly," passed April 2d, 1866. (O. L. vol. 63, p. 65.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of "an act to fix the compensation of members and officers of the general assembly," passed April 2, 1866, be so amended as to read as follows:

Section 3. That clerks of the senate and house of representatives shall receive five dollars per day, each, for the time actually employed after the adjournment of the general assembly, for making out indexes to the recorded and printed journals, and for reading the proof sheets of the printed journals, to be paid on the order of the auditor of

Compensa-
tion of clerks
of General
Assembly.

state; provided that no such bill shall be allowed until approved by the commissioners of public printing, or a majority of them; but they shall not receive any other allowance or compensation for services after the adjournment of the general assembly, except as may be provided by law or resolution.

SEC. 2. That original section three of the above recited act be and the same is hereby repealed, and this act shall take effect from and after the 31st day of December, A. D. 1867.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 27, 1867.

AN ACT

To authorize certain cities to issue bonds for the purpose of protecting themselves from floods.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city having a population, at the last federal census, of twenty thousand and eighty-one, be and is hereby authorized to issue the bonds of such city, for such sums, and payable at such rates as they may deem advisable, not to exceed in the aggregate one hundred thousand dollars.

City council
may issue
bonds;

—and apply
proceeds to
improving
levees.

SEC. 2. The proceeds of such bonds shall be applied to the repairing, strengthening and extending the levees and embankments along the rivers within and adjacent to the limits of such city, and to no other purpose.

Tax may be
levied to pay
interest and
principal of
bonds.

SEC. 3. The city council of such city is hereby authorized and required to levy such taxes on all the taxable property of such city as will be sufficient to pay the interest and principal of such bonds as may be issued under the authority of this act, as the same shall respectively mature.

SEC. 4. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 27, 1867.

AN ACT

To authorize the county commissioners to appropriate as county roads unfinished turnpikes and plank roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county through which any turnpike, plank road, or part of the same

passes, shall be and are hereby authorized to appropriate as county roads, any part of said road or roads that has been unfinished for five years last past, and shall remain unfinished for two years after the passage of this act; and it shall be lawful for said county commissioners to proceed at any time after said road has become a county road (under the provisions of this act) to improve said roads or parts of roads, under the provisions of an act passed April 5, 1866, and to enable them to comply with the provisions of the act aforesaid, shall have the benefit of all work done on said road or parts of said roads, by any company or corporation, without any compensation for the same; provided, however, that this act shall not be construed to authorize the appropriation of any part of said road already finished.

County commissioners may appropriate as county roads certain turn-pikes and plank roads.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

Passed February 27, 1867.

AN ACT

Relating to roads and highways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the several townships in this state, shall have the care, supervision and control of all public roads and highways within their respective townships, except where it belongs to some particular person or corporation to control, or keep the same in repair; and they shall cause to be opened all public roads and highways which shall have been, or may hereafter be laid out and established through any part of their respective townships, and the same to be kept open and in good condition, of lawful width, and free from all obstructions that may from time to time be found thereon; and in case any public road is or shall be established as a part of the line or boundary of any township, or incorporated village or city, the trustees in such adjoining townships, or council of any incorporated village or city, as the case may be, shall meet at some convenient place as soon after the first Monday of March as convenient, and apportion such road or roads between the two townships, or township and village or city, as justice and equity may require, for the purpose of opening and improving the same, and the trustees, in their respective townships, or village or city council, shall cause said road or roads to be opened and improved accordingly.

Township trustees to have control and supervision of roads and highways.

SEC. 2. The said trustees may employ, or enter into contracts with any suitable person or persons to open, make, repair or improve the several roads and highways, or any part thereof, within their respective townships, and they may authorize such person or persons to enter on any lands ad-

Trustees may contract for opening or improving roads.

joining or lying near the road, to make such drains or ditches through the same as they may deem necessary for the benefit of the roads, doing as little injury to said lands and timber as the nature of the case and public good will permit, and the drains and ditches so made shall be kept open by direction of the trustees if necessary, and shall not be obstructed by the owner or occupier of such lands, or any other person or persons, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be recovered at the suit of the trustees, and applied for the benefit of the roads and highways.

Who liable
to work and
who exempt.

SEC. 3. That all able bodied male persons, and all male persons able to procure the labor herein required to be done, between twenty-one and fifty-five years of age, except pensioners of the United States and those who have been permanently disabled in the military service of the United States, shall be liable yearly and every year to do and perform two days' work on the public roads, under the direction of the trustees of the several townships or such other person or persons as the trustees may employ or contract with to take charge of, make and improve the roads, as hereinbefore provided, within whose township or district they may respectively reside; provided, that it shall be lawful for, and the trustees of any township are hereby authorized, to dispense with and remit in their respective townships the two days' labor aforesaid, and the commutation money hereinafter provided to be paid in lieu of said labor.

Trustees to
order out
persons li-
ble between
April and
September.

SEC. 4. It shall be the duty of said trustees, or of such person or persons as may be employed or contracted with by them, as aforesaid, to order out every such person resident, as aforesaid, between the first day of April and the first day of September, annually, to do and perform the work aforesaid upon the roads and highways within his township or district; and if any such person, being personally warned by the trustees or the person or persons employed or contracted with, as aforesaid, or by leaving a written notice at his usual place of abode, shall refuse or neglect, having had at least three days notice, to attend, by himself or substitute, on the day and at the time directed in said notice, or, having attended, shall refuse to obey the directions of the trustees or the person by them employed for that purpose, or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall forfeit and pay for every neglect to attend, or for any of the offenses above specified, the sum of one dollar for every such offense, to be recovered by action before any justice of the peace of the proper township, at the suit of the trustees of their respective townships, and the money so collected shall be applied by said trustees for the improvement of their roads; provided, that no person shall be released from the performance of labor on the highways by reason of the neglect of the trustees or the person by them employed, as aforesaid, to order out such person on or before the first day of September, annually; and, provided further, that if any person being warned, as aforesaid, shall pay to the trustees or the person so employed,

Penalty for
refusal to
obey, &c.

Neglect of
trustees to
order out
does not
exempt.

in whose township or district he may reside, the sum of two dollars, the same shall be received and accepted in lieu of the two days labor hereinbefore required, and the same shall be applied by the trustees or person receiving the same, to the improvement of the roads in his township or district, and accounted for as herein provided.

Commutation.

SEC. 5. That every person called upon to perform any labor upon the public roads and highways under the provisions of this act, shall by himself or substitute appear at the place appointed by the trustees or such other person employed as aforesaid, at the hour of seven o'clock in the forenoon, with such necessary tools and implements as they may be directed to bring, to be used on the roads in the performance of said labor.

Time for commencing work.

SEC. 6. That for the purposes provided for in the preceding sections of this act, the residence of any person who has a family, shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any township or road district in this State.

Residence.

SEC. 7. That the trustees within their respective townships shall collect by suit or otherwise, all fines, penalties and forfeitures arising and accruing under the provisions of this act, and pay the same into the township treasury; to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom such fine, penalty or forfeiture, in their opinion, can be collected by execution and the said judgments, if not paid, together with the costs thereon, shall remain and be in force against the judgment debtor, as other judgments at law are in case of debt; provided, however, that all persons who are, or may be exempt from performing labor on the public highways by any law of this State, shall not be subject to the provisions of this section.

Fines, penalties, &c., how collected.

SEC. 8. That in case the trustees shall enter into contract with any person or persons, as provided in the second section of this act, all persons liable to perform the two days labor aforesaid, shall perform the same under the direction of, or pay the commutation money in lieu thereof to the contractor or contractors within the district embraced in his or their contract after being notified by him or them in the same manner as hereinbefore provided; and the person or persons so employed or contracted with shall meet with the trustees on or before the first Monday of March, annually, and then and there produce an account of their labor and service, including a list of the number and names of those performing the two days' labor and of those paying the commutation in lieu thereof, and also a list of those refusing or neglecting to work the two days or pay said commutation money; and the trustees are authorized and required to adjust and settle all accounts so produced in such manner as to them may seem just and right, and they shall carefully estimate the amount and value of the two days' labor performed under the direction of the person or persons holding contracts as aforesaid, and deduct said amount, together with all commutation moneys collected by him or them from the amount due on

Contractors, their duties, &c.

their respective contracts, and if upon such settlement the trustees shall be satisfied that such person or persons have properly discharged the duties assigned, and fulfilled the contracts entered into by them, they shall give him or them an order on the township treasurer for the amount due, taking his or their receipt therefor, and file the same in the office of the township clerk; and if any moneys remain in the hands of any person or persons employed or contracted with as aforesaid at the time of such settlement, the same shall be by him or them paid into the township treasury.

Bridges—
how built
and repaired.

SEC. 9. That said trustees shall cause to be built and repaired, all bridges across any river or stream of water within their several townships, and when it is necessary to build or repair any bridge across any river or stream of water, which is the boundary or dividing line of any township, it shall be the duty of the trustees of such township to build and keep in repair every such bridge, and each township shall pay an equal part of the expense of building or repairing the same, unless it shall be otherwise agreed by the trustees of such townships; provided, however, that in no case shall the expense of building or repairing any of the bridges aforesaid, exceed fifty dollars.

Contractors
to meet with
trustees
annually for
settlement.

SEC. 10. That the person or persons employed or contracted with by the trustees under the provisions of the second section of this act, shall meet with the trustees at their annual meeting, for the settlement of township business, and then and there produce an account of their labor and services, (unless the same shall have been sooner settled), and the trustees are authorized and required to adjust and settle all accounts so produced, in such manner as to them may seem just and right, and if upon such settlement they shall be satisfied that such person or persons have properly discharged the duties assigned them, the trustees shall give him or them an order on the township treasurer for the amount due, taking his or their receipts therefor, and file the same in the office of township clerk.

Penalty for
obstructing
highway.

SEC. 11. That if any person, body politic or corporate, shall obstruct any public road or highway authorized by any laws of this State, and suffer such obstruction to remain to the hindrance or inconvenience of persons making use of such public road or highway, or shall, by virtue of any authority whatever, or otherwise change the line, fill up or dig out the bed of any such road or highway, or in any other manner render the same less convenient or useful than it had been previously thereto, such person, body corporate or politic, shall be subject to an action at the suit of the commissioners of the county or trustees of any township, or any person who shall be injured by such obstruction, in which said road or highway is situated in whole or in part, and when any person obstructing any road or highway as aforesaid, shall suffer such obstruction to remain for more than twenty-four hours after being notified to remove the same, every such person shall be deemed guilty of an additional offense against the provisions of this act, and shall be liable to the suit or suits aforesaid.

SEC. 12. That the commissioners of any county, or trustees of any township in which any such road or highway is situated, in whole or in part, shall also have the right to apply to any judge of a court of record for an injunction to restrain the commission of any injury contemplated by the eleventh section of this act, and the same shall be granted or refused according to justice and equity, which writ, when allowed, shall be made returnable to the court of common pleas of the county in which such injury is done or contemplated.

Court may grant injunction to restrain injury.

SEC. 13. That every suit brought under the provisions of this act in the official capacity of any such commissioners or trustees respectively, shall not abate by the change of officers, but shall be prosecuted by their successors the same as if no change had taken place, to final judgment, unless otherwise disposed of.

Suits.

SEC. 14. That the measure of damages in any suit brought under the provisions of the eleventh section of this act, shall be a full compensation to the public for the loss of, or injury to, such road or highway, and the damages recovered in any such suit, after paying the expenses of the same, shall be a trust fund in the hands of the commissioners or trustees respectively, to be applied to the repair of such road or highway, or to be expended upon the public roads of such county or township, as justice or equity may require.

Damages.

SEC. 15. That if any person or persons, corporations, or any conductor of any train of railroad cars, or any other agent or servant of any railroad company, shall obstruct, unnecessarily, any public road or highway authorized by any law of this state, by permitting any railroad car or cars, or locomotive to remain upon or across any public road or highway, for a longer period than five minutes, or shall permit any timber, lumber, wood, or other obstruction to remain upon or across any such road or highway, to the hindrance or inconvenience of travelers, or any person or persons passing along or upon such road or highway, every person or corporation so offending, shall forfeit and pay for every such offense, any sum not exceeding twenty nor less than two dollars, and shall be liable for all damages arising to any person from such obstruction, or injury to such road or highway, to be recovered by an action at the suit of the trustees of the township in which such offense shall have been committed, or any person suing for the same before any justice of the peace within the county where such offense shall have been committed, or by indictment in the court of common pleas in the proper county; and all fines accruing under the provisions of this section, when collected, shall be paid over to the treasurer of the township in which such offense was committed, and by the trustees applied to the improvement of the roads and highways therein; and every twenty-four hours such corporation, person or persons as aforesaid, after being notified, shall suffer such obstruction unnecessarily, to the hindrance or inconvenience of travelers, or any person or persons going along or upon such road or highway, shall

Railroad companies, corporations, &c., may be prosecuted for obstructing roads.

be deemed an additional offense against the provisions of this act. .

Company
liable for
fines.

SEC. 16. That every railroad company or other corporation shall be liable for all fines assessed against such company or corporation, for any obstruction caused by the conductors of railroad cars, agents or servants of any such railroad company or other corporation, for violations of any of the provisions of the last preceding section.

Land holders
may con-
struct pass-
ways.

SEC. 17. That any landholder, through whose land any state, county, or township road is now or may hereafter be laid out and established, is hereby authorized, under the direction of the trustees of the proper township, to construct a passway or passways, either over or under such road or roads, so as to permit the stock of such landholder to pass and repass; provided, that such passway or passways shall not be constructed over or under any road within the limits of the out-lots of any city, town, or village, and shall not materially hinder, or obstruct the travel on such road or roads where the same may be constructed; provided, further, that the said passway or passways shall be constructed and at all times kept in good repair at the proper expense of such landholder.

boards;

SEC. 18. That the trustees within their township shall cause to be erected and kept up at the expense of the township, at the forks of every state and county road, a post and guide-board or finger-board, containing an inscription in legible letters, directing the way and distance to the town or towns, or public place or places situated on each road, respectively. That if any person shall wilfully demolish, throw down, alter, or deface any such guide-board, every person so offending shall, upon conviction before a justice of the peace of the proper county, be fined in any sum not exceeding ten dollars. All fines collected under the provisions of this section, shall be paid into the township treasury where the offense is committed, to the credit of the road fund.

—penalty
for destroy-
ing or de-
tacing.

Watering
places.

SEC. 19. That the trustees of their respective townships are hereby authorized to appropriate from the road funds of their township, money to provide and maintain suitable places for procuring water for man and beast, on any public highway in their township, when they may deem it necessary for the convenience of the public; provided, that no more than fifty dollars shall be expended for such purpose in any township in any one year.

Roads bor-
dering on
state line.

SEC. 20. That it shall be lawful for the trustees of townships bordering upon the state line between Ohio and any adjoining state, where a public highway has been located upon such state line, in accordance with and under the provisions of the laws of the state of Ohio, to cause said roads to be improved in the same manner as other roads located within the boundaries of this state are; and they are hereby authorized to construct foot bridges over streams of water on said highways.

Annual levy
for road and
bridge
purposes.

SEC. 21. That the commissioners of the respective counties in this state are hereby authorized to levy, at the March session of their board, annually, for road and bridge pur-

poses, as follows: In counties where the taxable property exceeds the sum of sixty millions of dollars, not less than one-twentieth of a mill nor more than five-tenths of a mill; in counties of thirty millions of taxable property and less than sixty millions, not less than one-tenth of a mill nor more than one mill; in counties of less than thirty millions dollars of taxable property and more than ten millions, not less than two-tenths of a mill nor more than two mills; in counties where the taxable property is less than ten millions, and over five millions of dollars, not less than seven-tenths of a mill nor more than three mills; in counties where the taxable property is less than five millions of dollars, the levy shall not be less than seven-tenths of a mill nor more than five mills; provided, that in counties where the commissioners have made the levies for road and bridge purposes for the year 1867, they may, at their June session for 1867, increase the levies in accordance with the provisions of this act, and in counties where no road or bridge taxes have been assessed, the commissioners may, at their June session for 1867, make the levies provided for in this act, and the auditor of the county shall place the same on the tax duplicate for the current year to be collected as other taxes.

SEC. 23. That if the trustees of any township in this state shall deem an additional road tax necessary in addition to the amount levied by the commissioners of their county, they shall determine the additional per centum to be levied upon the taxable property of their respective townships, not exceeding three mills to the dollar where the taxable property of the county in which said township is located does not exceed seven millions of dollars, and not exceeding one and a half mills where the taxable property does exceed that amount, and certify the same to the county auditor in writing, on or before the first Monday of June in each year, and the auditor of the county shall assess the same on all the taxable property in the township, not included in any city or incorporated village, and the same shall be collected and paid over as hereinafter provided. The trustees may anticipate the proceeds of any levy under this act by transferring temporarily any funds in their township treasury not needed for other purposes, or by borrowing money to use under the provisions of this act, and shall replace or pay the same from the road fund when that shall have been collected; provided, if they borrow money for this purpose, it shall be paid into the township treasuries of their townships, and credited to the road fund, and the treasurer's receipt therefor filed with the clerk of the township.

Additional
tax may be
levied.

SEC. 23. The county commissioners may set apart such portion of the road tax by them levied as they may deem proper not exceeding one-half thereof, to be applied to the building, protecting or repairing bridges in their respective counties, which proportion so set apart shall be called a bridge fund, and shall be collected and expended under the direction

Bridge fund.

of the commissioners in the building, protecting or repairing bridges, and they are authorized to excavate approaches to any railroad in their counties in lieu of bridging when it is, in their opinion, for the interest of the county, and pay for the same out of the bridge fund.

Road fund.

SEC. 24. All road taxes collected by the county treasurer, except that part set aside for bridge purposes by the commissioners, shall be paid over to the treasurer of the township, or municipal corporation, from which the same were collected, and shall be expended on the public roads, and in building and repairing bridges as hereinbefore provided, in the township or municipal corporation from which the said taxes were collected under the direction of the trustees of the proper township or municipal corporation.

Acts
repealed.
3 Curwen,
2131.

4 Curwen,
3415.

4 Curwen,
3204.

4 Curwen,
2949.

4 Curwen,
3156.

2 Curwen,
1362.

SEC. 25. That the act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed February 13th, 1853, (S. & C., page 1306), also an act entitled an act authorizing supervisors of highways to apply labor upon roads located on state lines, passed February 14th, 1848, (S. & C., page 1316), also an act entitled an act further defining the duties of supervisors of roads and highways, passed March 21st, 1860, (S. & C., page 1316), also an act entitled an act to provide for the working of unfinished turnpike roads by supervisors of the highways, passed March 18th, 1859, (S. & C., page 1317), also an act entitled an act supplementary to an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed February 13th, 1853, and to repeal an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed April 8th, 1856, also prescribing the duties of county commissioners, county auditors, township clerks and supervisors, also to repeal certain other acts therein named, passed April 12th, 1858, (S. & C., page 1317), also an act amending section five of the last named act, passed March 10th, 1862, (volume 59, page 21), also an act passed April 10th, 1863, entitled an act to amend sections 2 and 9 of an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed February 13th, 1853, (volume 60, page 73), also an act passed February 1st, 1865, entitled an act to amend section 32 of an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed February 13th, 1853, (volume 62, pages 7 and 8), also an act passed April 6th, 1865, entitled an act to amend section 2 of an act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed February 13th, 1853, and amended April 10th, 1863, (volume 62, page 88), also an act entitled an act to require supervisors of roads to make temporary repairs of bridges over the canals of this state, passed January 11th, 1848, (S. & C., page 194), also an act entitled "an act to authorize trustees of townships to provide watering places in their respective townships," passed April 5th, 1866, (volume 65, [63.] page 123), be and the same are hereby repealed.

SEC. 26. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 H. S. MARTIN,
President pro tem. of the Senate.

February 27, 1867.

AN ACT

To authorize and empower administrators and executors in certain cases to erect tombstones or monuments to the memory of deceased persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall hereafter be lawful for the judge of the probate court, in the several counties of this state, at his discretion, to allow any just and reasonable amount expended for the purpose of erecting a tombstone or monument at the grave of any deceased person, by the executor or executors, administrator or administrators, in his or their account settling the estate of any such deceased person; provided, that the provisions of this act shall not be so construed as to make it obligatory upon such executor or executors, administrator or administrators to so erect tombstones or monuments, or in any manner to interfere with the heirs of any such deceased person in erecting the same.

Probate judge may authorize executors or administrators to erect tombstones.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 H. S. MARTIN,
President pro tem. of the Senate.

Passed March 5, 1867.

AN ACT

To amend "an act to amend an act to provide a bounty for veteran volunteers, passed April 13, 1865," passed April 6, 1866. (Vol. 63 O. L., page 186.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of "an act to amend an act to provide a bounty for veteran volunteers, passed April 13, 1865," passed April 6, 1866, be so amended as to read as follows:

Section 1. That the commissioners of the several counties, the trustees of the several townships, and city councils of the several cities of this state, are hereby authorized and

County commissioners may issue bonds to veteran volunteers.

required to issue to each re-enlisted veteran volunteer, who has heretofore been credited, as shown by the muster and descriptive rolls, upon the quota of such county, township, or city, or any ward of such city, under any requisition of the president of the United States for volunteers during the late rebellion, and who have [has] not received any local bounty upon said re-enlistment, a bond for the sum of one hundred dollars, bearing six per cent. interest, redeemable at the pleasure of such commissioners, trustees, or city councils, one year after the date thereof; and where such re-enlisted veteran volunteer has not been credited upon the quota of any county, township or city, in this state, but has been credited upon the quota of the state at large, or have [has] been so indefinitely credited as that the credit could only pass to the state, as shown by the muster and descriptive rolls, then the auditor of state is hereby authorized and required to issue his warrant upon the state treasury, to such re-enlisted veteran volunteer for the sum of one hundred dollars, which shall be paid by the treasurer of state out of any funds in the treasury not otherwise appropriated. And in all cases where such re-enlisted veteran volunteer has received a bounty of a less sum than one hundred dollars, on such re-enlistment, then it shall be the duty of the state auditor, county commissioners, township trustees or city council, as the case may be, to issue a warrant or certificate as above specified to such volunteer, for the difference between the amount already received and one hundred dollars. To determine the number of those credited to congressional districts that properly belong to each county of the district, the adjutant general is hereby required to apportion among the several counties of each district the number so assigned in proportion to population, and notify the county commissioners of the number assigned to their several counties; the commissioners shall then proceed as required in this section: provided that any county having previously paid the bounty to any veteran volunteer credited to their congressional district shall deduct the amount so paid from the amount to be levied on said county: provided, however, when the muster and descriptive rolls were not received by the adjutant general in time for the credit therein shown to be applied upon any quota, then the auditor of state shall issue his warrant on the state treasurer in favor of such veteran soldier, as in the case of credits to the state at large.

Adjutant-general to apportion number to each county.

SEC. 2. That section one of said act to which this is an amendment, be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed March 7, 1867.

AN ACT

To incorporate sharpshooters' associations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than five, may associate together and become a corporation, as provided in the sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852, and amended by the act passed January 26th, 1865, for the purpose of exercise and practice in the use of military arms, and of instruction therein.

Associations
incorporated
for military
exercises.

3 Curwen,
1896.

SEC. 2. This act shall take effect upon its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed March 7, 1867.

AN ACT

To amend section forty-two of "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852. (S. & C., p. 232.)

3 Curwen,
1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-two of the act passed May 1, 1852, entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," be so amended as to read as follows:

Section 42. The commissioners of any county, the city or town council of any city or town, and the trustees of any township, which county, city, town or township has heretofore subscribed to the capital stock of any railroad company, or turnpike or plankroad company, and has issued, or shall hereafter issue, any bonds for the payment of such subscription, are hereby authorized to sell the said stock, or any part thereof, and on such terms as they shall deem to be for the interest of said county, city, town or township, respectively, and may apply the proceeds of such sale to the payment of the bonds of such county, city, town or township, respectively subscribed; provided, that the commissioners of any county, the city or town council of any city or town, and the trustees of any township which has paid in full its subscriptions to such railroad, or turnpike, or plankroad company, shall be authorized to sell the stock of the same in such railroad company, or turnpike or plankroad company, on such terms as they shall deem to be for the interest of said county, city, town or township, respectively, and place the proceeds of such sale to the credit of the general fund of such county, city, town or township.

Sale of rail-
road, turn-
pike or
plankroad
stocks.

SEC. 2. That said original section forty-two of the above recited act be and the same is hereby repealed.

SEC. 3. This act to take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed March 7, 1867.

AN ACT

Fixing the times of holding district courts and courts of common pleas for the year 1867, in the sixth judicial district of the state of Ohio.

Times of
holding dis-
trict court in
sixth dis-
trict.

Times of
holding
court of com-
mon pleas in
sixth dis-
trict.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the times of holding the district courts and courts of common pleas in the sixth judicial district of the state of Ohio for the year 1867, shall be in the counties and at the times following: District court, Coshocton, June 4th; Licking, June 13th; Delaware, June 24th; Morrow, June 26th; Richland, June 27th; Knox, July 1st; Ashland, July 5th; Wayne, July 8th; Holmes, July 9th. Common pleas—Delaware, January 21st, April 22d, September 23d; Knox, March 19th, August 13th, November 5th; Licking, February 12th, May 14th, October 15th; Coshocton, April 2d, August 13, November 5th; Morrow, February 12th, May 14th, October 15th; Richland, March 19th, August 27th, November 19th; Ashland, February 26th, August 6th, October 5th; Wayne, March 12th, August 20th, December 3d; Holmes, February 19th, May 6th, October 15th.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed March 7, 1867.

AN ACT

To amend an act entitled "an act supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed February 8, 1861. (Vol. 58 O. L., page 13.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act above entitled be so amended as to read as follows:

Agricultural,
mechanical
or industrial
associations.

Section 1. That whenever any number of persons, as named in the first section of an act to which this is supplementary, associate themselves into an agricultural, mechanical or industrial association, they, or a board of not less than

three directors elected by them, shall, under their hands and seals, make a certificate, specifying therein the amount of capital stock necessary, the amount of each share, the number of shares, the place where such association shall be located, and the name and style by which such association shall be known, which said certificate shall be acknowledged and forwarded to the recorder of the county in which such association is located, and said certificate shall be recorded by the said recorder to carry into effect the provisions of this act; and when so incorporated, they are hereby authorized to carry out the objects named in said certificate of incorporation, and by the name and style provided in said certificate, shall be deemed a body corporate, with successions; and they and their associates, successors and assigns, shall have the same general corporate powers as are provided in the third section of the act to which this is supplementary, and subject to all restrictions in said act not inconsistent with the provisions of this act.

Certificate to
be recorded.

Corporate
powers, etc.

SEC. 2. The first section of the said supplementary act is hereby repealed, and this act shall take effect and be in force from and after its passage.

ED. A. PARBOTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 9, 1867.

AN ACT

To amend sections two, four, six, nine and ten of an act entitled "an act for the inspection of gas meters, the protection of gas consumers, and regulation of gas-light companies."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of an act entitled "an act for the inspection of gas meters, the protection of gas consumers, and regulation of gas-light companies," passed April 6th, 1866, be and the same is hereby amended, so as to read as follows:

Section 2. Said inspector shall hold his office for the term of two (2) years, and until the appointment of his successor, but may be removed by the governor and senate, at their pleasure; and he shall receive an annual salary of three thousand dollars, which shall include his office rent and expenses, to be paid out of the treasury on the warrant of the auditor of state. Such inspector shall not in any way or manner, directly or indirectly, be interested pecuniarily in the manufacture or sale of illuminating gas, or gas meters, or of any article or commodity used by gas-light companies, or for any purpose connected with the consumption of gas, or with any gas company, and shall not give certificates or written opinions to any maker or vender of any meter, or of any such article or commodity; and he shall be duly sworn to the faithful performance of his duties, and shall give bonds

Gas inspector;

—his salary;

—must not
be interested
in any com-
pany.

Oath and
bond.

in the sum of five thousand dollars for the faithful discharge of the same; provided, however, that no warrant shall be drawn for the whole or any part of the salary of said commissioner, for any larger amount than may have been actually paid into the treasury of the state.

That section four be amended so as to read as follows:

**Deputy
inspectors;**

**—their
duties;**

**—their fees
for inspect-
ing meters.**

Section 4. Whenever the inspector shall find himself unable to attend to his duties in any city or town of any county, he shall appoint temporarily, and for such time as he may deem expedient, one or more deputy inspectors of meters and gas, for such county, who shall act under his direction. They shall be duly sworn to the faithful performance of their duties, shall be as fully qualified as the state inspector, and shall not in any manner be connected with or employed by any gas company, and shall be subject to the same disabilities as are set forth in section second, and shall be paid by fees for examining, comparing and testing gas meters, with or without stamping them, which fees shall be twenty-five cents for each meter delivering a cubic foot of gas, in four or more revolutions, vibrations or complete repetitions of its action, and thirty cents for each meter delivering a cubic foot of gas in any less number of revolutions as heretofore described, and for each meter thus delivering more than one cubic foot of gas, as before named, the further sum of twenty cents for every additional cubic foot of gas delivered; provided, however, that in all cases of inspection by the deputy inspector, the gas company or consumer may appeal to the state inspector from the deputy inspector's decision.

That section six be amended so as to read as follows:

**Meters must
be sealed and
stamped.**

Section 6. No meter shall be set after the first day of June, 1867, unless it be sealed and stamped in the manner required by this act, and any company authorizing the setting of any such meter, or allowing the same to be used by any consumer of gas without being sealed and stamped, shall forfeit and pay a fine in any sum not less than twenty-five dollars, nor more than one hundred dollars, to be recovered upon the application of any such consumer, in the name of the state of Ohio, before any court of competent jurisdiction.

That section nine be amended so as to read as follows:

**Testing
meters.**

Section 9. Meters in use shall be tested on the request of the consumer or the gas light company, in the presence of the consumer, if desired, with sealed apparatus, as provided for in section eight, by the inspector or deputy inspector. If the meter is found to be correct, the party requesting the inspection shall pay the fees named in section four, and the expense of removing the same for the purpose of being tested, and the reinspection shall be stamped on the meter; if proved incorrect, the gas-light company shall pay such expenses, and shall furnish a new meter without any charge to the consumer. No gas company shall have the right to charge rent for meters when five hundred cubic feet per month have been consumed. The inspector shall have authority to disconnect from, or readjust meters to the consumer's fittings, with or without consent from the company.

**Renting
meters.
Inspector
may discon-
nect or adjust
meters.**

That section ten be amended so as to read as follows:

Section 10. Illuminating gas shall not be merchantable in this state which has a minimum value of less than twelve candles; that is, a burner consuming five cubic feet per hour, shall give a light as measured by the photometric apparatus in ordinary use, of not less than twelve standard sperm candles, each consuming one hundred and twenty grains per hour; every gas meter is to be tested with the burner and under the pressure best adapted to it, and the result shall be calculated at a temperature of sixty degrees Fahrenheit. Whenever requested by the mayor or council of any city or incorporated village, the inspector shall report to them whether the gas supplied in their respective city or town is of a legal standard, and, also, whether it is sufficiently well purified from sulphuretted hydrogen, ammonia, carbonic acid and the sulphite of carbon. When the gas furnished by any gas-light company or individual shall be found, upon inspection by any officer authorized by this act, to be of a less monthly average value than the standard required by this act, then such gas-light company or individual shall not collect from the consumer thereof the price charged or authorized to be charged for gas of the legal value, but shall make a deduction from the bills rendered in proportion to the inferiority of the gas as reported by the inspector.

When gas considered merchantable.

Inspector to report to mayor or council of city or village, when requested.

When gas is of inferior quality, company must make deduction in bills.

SEC. 2. This act shall take effect from and after its passage, and the original sections two, four, six, nine and ten, be and the same are hereby repealed.

ED. A. PARBOTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 9, 1867.

AN ACT

To amend an act entitled "an act to authorize cities of the first class, exceeding one hundred thousand inhabitants, to purchase fuel, and levy a tax therefor," passed February 20, 1864. (O. L., vol. 61, page 13.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be so amended as to read as follows:

Section 2. The city council shall invest said funds for the purpose of procuring stone coal, at their discretion, and store or yard the same within said city. Said city council may sell said coal to consumers, or transfer to the various departments of the city government, restricted within such limits and regulations as may be prescribed by said city council.

City council may purchase and sell stone coal.

SEC. 2. That section two of the above recited act, to which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act to take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

March 9, 1867.

AN ACT

To amend section three of "an act to regulate the fees of clerks of the court of common pleas," passed April 13, 1865. (O. L., vol. 62, page 149.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above recited act be so amended as to read as follows :

Fees of
clerks of
court.

Section 3. That the fees accruing to the clerk for services rendered by him in any criminal case wherein the state fails to convict or collect the costs, after due and diligent effort made therefor, shall be paid out of the county treasury, on the order of the county auditor, which shall issue upon the certificate of said clerk, approved by the county commissioners; provided, that no such certificate shall be approved by the county commissioners until said clerks shall have complied with the provisions of section two of the act passed April 9, 1861, entitled "an act to amend the 1st, 2d and 3d sections of an act requiring annual settlements by the county officers," passed March 22, 1850.

SEC. 2. That the original section three of the above recited act is hereby repealed, and this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

March 9, 1867.

AN ACT

Prescribing further duties of probate judges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be, and is hereby made the duty of each and every probate judge in this state to make out, file and record in his office, in each case, examination or proceeding therein instituted or depending, an itemized account of all fees by him charged or received, in such case, examination or proceeding.

Record of
fees charged
by judge
must be filed
in his office;

--and also
filed with
county
auditor.

SEC. 2. It shall also be the duty of each and every probate judge in this state, on the first day of September, in each year, to make out and file with the county auditor of his county, an account by him duly certified, of all fees by

him charged or received, by virtue of his office, during the year next preceding the filing of said account.

SEC. 3. That each and every probate judge, who shall fail or neglect to discharge any of the duties required of him by the preceding sections of this act, shall, on conviction thereof, before any court of competent jurisdiction, be fined in any such [sum] not exceeding two hundred dollars for each offense.

Penalty for neglect.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 9, 1867.

AN ACT

To amend section 24 of an act entitled "an act providing for the punishment of crimes," passed March 7, 1835. (S. & C., 411.)

1 Curwen,
191.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 24 of the above recited act be amended so as to read as follows:

Section 24. That if any person shall maliciously shoot, stab, cut, or shoot at, any other person, with intent to kill, wound or maim such person, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty years, nor less than one year.

Penalty for stabbing or shooting.

SEC. 2. That said original section 24 is hereby repealed; provided, that any violation of said act heretofore committed, or prosecutions pending under the same, are not affected hereby, but shall be prosecuted as though this act had not passed.

SEC. 3. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 9, 1867.

AN ACT

Defining the jurisdiction of the probate court of the counties of Fulton, Williams, Sandusky, Van Wert, Darke, Wyandot and Coshocton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland,

Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April the 12th, 1858, and the several acts and parts of acts amendatory thereto, be and the same are hereby extended to and declared to be in full force in the counties of Fulton, Williams, Sandusky, Van Wert, Darke, Wyandot and Coshocton.

SEC. 2. This act shall take effect and be in force from and after the first day of May, 1867.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 9, 1867.

AN ACT

To amend section two of an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section second of the above recited act be so amended as to read as follows :

Recogniz-
ances.

Section 2. All recognizances which shall hereafter be taken by justices of the peace and other officers authorized to take the same, and all transcripts in criminal cases within the jurisdiction of the said probate court, shall be returned to the judge of said court forthwith, after the commitment of the person charged with the offense or the taking of a recognizance for his appearance before the said probate court.

SEC. 2. That section two of the above recited act be and is hereby repealed.

SEC. 2. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 9, 1867.

AN ACT

To authorize associations of persons for wrecking purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of natural persons, not less than five, being citizens of the State of Ohio, may become a body corporate, with all the rights, privileges and powers conferred and subject to the instructions of this act.

SEC. 2. That any number of persons, associating themselves together for the purpose of wrecking boats and vessels, and saving the same, and the property thereon, or prop-

erty lost by damage or injury to boats and vessels, shall, under their hands and seals, make a certificate, which shall specify as follows: First. The name assumed by such company or association, and by which it shall be known, and the purpose for which it is formed. Second. The name of the county or place where the principal office of such company is situate. Third. The amount of capital stock, not to be less than two thousand dollars, and the amount of each share. Such certificate shall be acknowledged before a justice of the peace, or other proper officer, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office, and a copy thereof duly certified by the secretary of state under the great seal of the state of Ohio, shall be evidence of such corporation or company.

Name of company, where located, and capital stock.

Certificate deposited with secretary of state.

Powers and liabilities.

SEC. 3. That the said corporation or company, as to its powers, proceedings and liabilities, and the powers, duties and liabilities of its officers and stockholders, shall be governed by the third, fifth, sixth and seventh sections of an act entitled "an act to authorize associations of persons for carrying freight on any of the navigable waters of the state of Ohio, and the lakes and navigable rivers bordering thereon," passed April 2, 1859.

Property of company.

SEC. 4. Any company or association organized for the purposes aforesaid, shall have power to build, purchase and hold such number of boats, vessels, diving bells, and other appliances and property, as may be deemed necessary for commencing and conducting the business of the association, and shall have power to sell and dispose of the same, or any part thereof; and said company shall have power to contract for salvage or compensation for saving boats, vessels and other property, and shall have power to demand, recover and receive salvage, or such compensation when thereto entitled by contract, or otherwise, and shall be governed by the same laws not inconsistent with this act, which govern individuals in such business or employment.

Salvage.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed March 11, 1867.

AN ACT

Supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3, 1852. (S. & C., 1493.)

3 Curwen, 1835.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That any city of the first class having a population of less than one hundred thousand inhabitants, shall have the power, whenever it shall be deemed necessary for

Lands appropriated for school house sites.

Compensation for lands.

City may borrow money;

—and issue bonds.

that purpose, to appropriate, enter upon and take lands for school-house sites and grounds, and to appropriate the same, and ascertain the compensation therefor, the same having been recommended, and site selected by the board of education. Such proceedings shall be had as are now provided for in cases where private property is taken by municipal corporations of the same class for the purposes of streets.

SEC. 2. For the purpose of paying the compensation which may be assessed for lands taken and appropriated, as in the preceding section provided, and for the purposes of erecting suitable school buildings thereon, such city shall have the power to borrow money in any sum not exceeding two hundred thousand dollars at such rate of interest as the city council thereof may deem proper, not exceeding six per cent. per annum semi-annually; and for the purpose of effecting such loan the city council of such city shall have the power to pledge the faith of such city for the payment of both principal and interest, including the power to levy a tax for the payment of the same whenever due, and to make and execute such bonds or other evidences of debt, and payable at such times and places as shall be agreed upon by the parties contracting, which said bonds or other evidences of debt may be made transferable and redeemable in such form and at such times and places as may therein be designated.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 11, 1867.

AN ACT

To authorize the city councils to appoint inspectors of beef cattle, sheep, hogs, poultry, game, milk, milk cows, fresh meat and fresh fish.

Council may appoint inspectors, and prescribe their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city either of the first or second class, whenever deemed necessary by the council, shall have the power to appoint one inspector, and one assistant inspector of beef cattle, sheep, hogs, poultry, game, milk, milk cows, fresh meat and fresh fish. The city council shall prescribe by ordinance the duties of said inspectors, define their powers and fix their term of office: and they are hereby authorized to prescribe penalties for the violation of ordinances passed in pursuance of this statute, and determine the disposition of the above named articles, when upon inspection they, or either of them, are found to be foul, tainted, or otherwise unfit for food.

Compensation.

SEC. 2. Said inspectors shall receive such compensation as the city council may determine, not to exceed fifteen hundred dollars per annum. Before any inspector or assistant

inspector shall enter upon the discharge of the duties of his office, he shall take an oath or affirmation that he will faithfully and impartially execute the duties required of him by law; and such inspector shall, moreover, enter into bond with sufficient security, to be approved by the city council, in such sum as the city council may require, not less than one thousand dollars, made payable to the city where such inspector is appointed, which bond shall be deposited with the city clerk, conditioned for the faithful and impartial performance of the duties required of him by law.

Oath.

Bond.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 11, 1867.

AN ACT

Relating to certain orphan asylums therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any orphan asylum organized under the laws of this state for the care of colored orphan children shall have likewise the right to receive and provide for colored children who may be deserted by their parents, or otherwise unprovided for.

Colored orphan children.

SEC. 2. That such asylum may acquire and possess for the uses thereof, real and personal property to an amount not exceeding one hundred thousand dollars, and may mortgage, lease, or sell such property, when the interests of the institution may demand it, for the establishment and support thereof, provided, such sale, mortgage, or lease shall be first sanctioned by a majority of the stockholders or subscribers thereof, in any annual meeting assembled. And such asylum may contract debts not exceeding the amount of the cash, notes and bonds on hand, to which may be added three-fifths of the unincumbered cash value of the real estate held by such asylum. All funds derived by such asylum from sale, mortgage or lease of its property, or from other sources, shall be strictly applied for the use and support thereof, and for no other purpose.

Real and personal property may be acquired, &c.

Debts may be contracted.

SEC. 3. Such asylum shall have power to regulate the time and manner of payment of subscriptions in such manner as its board of trustees or annual meeting of stockholders shall determine.

Subscriptions.

SEC. 4. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 11, 1867.

AN ACT

For the further protection of cemeteries in the state of Ohio.

Discharging
firearms in or
near ceme-
teries forbid-
den.

Penalty.

Trustees may
appoint
watchmen ;

—their pow-
ers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to discharge any firearm, unless authorized to do so by the trustees, upon or over the grounds of any cemetery which is now established, or may hereafter be established in this state, or within one hundred yards of such cemetery, unless upon the land of the owner thereof; and any person so offending shall, upon conviction before any court or magistrate having jurisdiction, be fined in any sum not exceeding twenty dollars and costs, or be imprisoned in the jail of the county for the period of ten days, or shall be subjected to both of said punishments, in the discretion of the court or magistrate.

SEC. 2. That it shall be lawful for the trustees, directors or other officers of all organized cemeteries within this state, to appoint as many day and night watchmen of their grounds as they may deem expedient; and such watchmen, and also all of their superintendents, gardeners and agents stationed on said grounds, are hereby authorized to take and subscribe, before any mayor or justice of the peace in the township where such cemeteries may be situated, an oath of office similar to the oath required by law of constables, and upon the taking of such oath, such watchmen, superintendents, gardeners and agents shall have, exercise and possess all the powers of police officers within and adjacent to said cemetery grounds; and they and each of them shall have power to arrest on view all persons engaged in violating the laws of this state in reference to the protection, care and preservation of cemeteries, and of the trees, shrubbery, structures and adornments therein, and to bring such persons so offending before a mayor or justice of the peace within such township, to be dealt with according to law.

SEC. 3. This act shall take effect from and after the day of the passage thereof.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 11, 1867.

AN ACT

To authorize the guardians of lunatics and idiots to lease the lands of their wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the leasing of real estate of any idiot or lunatic is necessary for his or her support, or the support of his or her children or family, or such leasing will be for the interest of such idiot or lunatic, or his or her children or family, the guardian may lease the same for a lim-

ited term of years, or perpetual, with or without privilege of purchase in whole or in parcels, upon such terms, covenants, conditions and stipulations as the court may deem most for the interest and advantage of said ward, his or her children or family under like proceedings as or may be required by law to authorize the sale of real estate by guardian of minors, except the requirement of giving additional bond on appraisement, which bond shall not be required, also except that petition shall contain a statement of the character of the idiocy or lunacy of said ward, curable or incurable, temporary or confirmed, and duration of malady, before filing petition, and a statement showing who are the persons having next estate of inheritance from said ward, and who are minors and their ages; also except that the appraisers shall not only appraise the value of said real estate, but also the value of annual rent of same upon the terms, covenants, conditions and stipulations of the lease prescribed by the court, and that the same shall not be leased for less than the appraised value of said rent, or if it be more for the interest of said ward, his or her children, the probate court, upon the petition of the guardian, may authorize him to lease said real estate by private lease for a limited term of years, or perpetual, either with or without privilege of purchase in whole or in parcels, on such terms, covenants, conditions and stipulations as the court may deem most for the interest and advantage of said ward, his or her children or family.

When and how guardians may lease lands.

SEC. 2. Said petition shall, in addition to what is prescribed in the preceding section, contain a pertinent description of the real estate proposed to be leased, a statement of its value and the value of its annual rent as nearly as can be ascertained, and the facts on which the application is founded. And if upon hearing the court shall be satisfied that it will be more for the interest of said ward, his or her children or family that said real estate should be leased by private instead of public lease, the court may make an order authorizing said private lease and prescribing the terms thereof, without requiring further bond; provided, however, that before any order authorizing such private lease be made, the court shall cause an appraisement of such real estate to be made by three disinterested freeholders of the county, who shall appraise the value of said real estate, and the value of the annual rent of the same, subject to the terms, conditions, covenants and stipulations of the lease prescribed by the court, and said guardian shall be prohibited in said order from leasing said real estate at a less rent than the appraised value thereof.

Description of lands.

Private or public lease.

Appraisement.

SEC. 3. Upon filing such petition authorized under this act, and verified by oath of the guardian, the court shall order the petitioner to give notice to his ward and to his or her husband or wife, and to those persons having the next estate of inheritance from said ward, all of whom shall be defendants to the petition, of the filing and demand thereof, and the time when the same shall be heard, in such manner as to the court shall seem reasonable and proper.

Notice must be given to ward.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed March 11, 1867.

AN ACT

To authorize city councils of cities of the second class to borrow money and issue bonds for the enlargement and improvement of water works.

Council may appropriate money for improvement of water works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city councils respectively, in all cities of the second class having or owning water works, are hereby authorized and empowered to appropriate any sum, not exceeding sixty thousand dollars, for the purpose of enlarging and improving the water works of such cities, the reservoirs therewith connected, and increasing the number thereof, and the water pipes leading to and from the same, and the operating of such water works by means of steam or other power.

—And issue bonds.

SEC. 2. That for the purpose of raising the money necessary to meet any appropriation, as aforesaid, such city councils are hereby authorized and empowered to issue and sell the bonds of such cities at not less than the par value thereof, in sums not less than one hundred nor more than one thousand dollars each, and in amount not exceeding in the aggregate the appropriation as aforesaid, payable at the pleasure of such city councils, at a period not exceeding fifteen years from the date thereof, and in such amounts and at such times as such city councils shall determine, and bearing a rate of interest, payable semi-annually, not exceeding seven and three-tenths per cent. per annum, and the money so raised shall be used for the purpose aforesaid, and for no other purpose whatever.

Tax to be levied annually to pay principal and interest.

SEC. 3. That for the purpose of paying the interest on said bonds as the same shall accrue, and the principal thereof when the same shall mature, such city councils are hereby authorized and empowered to levy a tax annually, additional to the tax levied for all other purposes, upon the taxable property within the corporate limits of such cities, and certify the amount thereof to the auditor of the county in which such city may be located, which tax shall be placed by the auditor on the tax duplicate of such county, and collected in the same manner as other taxes are by law collected.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed March 11, 1867.

AN ACT

To provide for the better regulation of turnpike and plank road companies, and to repeal section forty-one of an act to provide for the regulation of incorporated companies, passed May 1, 1852, and repealed March 30, 1864, and re-enacted April 5, 1865. (O. L., vol. 63, page 150.)

3 Curwen,
1839.
S. & C., 297.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any turnpike or plank road company shall fail to keep its road in repair for five days successively, any person may file a complaint in writing with a justice of the peace of the township, setting forth the nature of the defect complained of, designating the place where such defect exists. And it shall be the duty of such justice to appoint three disinterested persons as inspectors, to meet at the time and place complained of within ten days, and of the time and place of meeting, not less than five days notice shall be given to the gate keeper nearest the place of meeting, and the inspectors shall there examine into the truth of the matter complained of; and if they shall find the complaint to be true, they shall send a certified copy of the complaint, and of their finding to the keeper of each of the gates between which such defective place shall be, and thereafter all tolls received at such gates for the intermediate distance, shall be applied to the repairing of the road complained of and reported by said inspectors, until the same shall be fully repaired; and the said inspectors and justice of the peace shall be paid one dollar per day for their services, which shall be paid by the company if the complaint be sustained, and if it fail, then by the complainant.

When roads are not kept in repair, complaint may be filed with justice of the peace.

Justice to appoint inspectors.

—their duties.

Fees of inspectors and justice.

SEC. 2. That if any turnpike road, plank road company, or the owner or owners of such road shall fail to comply with the provisions of the foregoing section, any person may make complaint to the probate judge of the county, who shall forthwith cite the president or other chief officer of said road to appear and answer such charge, and if upon such examination it shall appear to the satisfaction of said judge that the proceeds (tolls) as aforesaid, have not been applied to the repairing of said road as herein provided, said judge shall cause an entry of his finding to be made upon the journal of said court; and shall, thereupon, proceed to appoint two suitable persons to take charge of the gates as aforesaid at such compensation as he may deem reasonable and until such time as said road shall be fully repaired; said probate judge shall require bond and security of the persons so appointed to his satisfaction for the faithful performance of their duties in the collecting of tolls and applying the same to the repair of said road, to the state of Ohio for the use of such turnpike or plank road company.

If company fail to comply, complaint to be made to probate judge.

Judge may appoint persons to take charge of gates.

SEC. 3. That the act passed April 5, 1866, which revives the forty-first section of an act to provide [for] the regulation

of incorporated companies in the state of Ohio, passed May 1, 1852, be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 11, 1867.

AN ACT

To provide for the organization, as cities of the first class, of such cities as may have been advanced to the grade of cities of the first class, between decennial periods, and prior to May, 1867, and also supplementary to the act passed May 3, 1852, entitled "an act to provide for the organization of cities and incorporated villages," and to the several acts supplementary thereto and amendatory thereof, now in force; also, further to define the duties of county treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the several acts and parts of acts of the general assembly of the state of Ohio hereinafter recited and specified, are hereby extended to such cities as may have been advanced to the grade of cities of the first class, between decennial periods, and prior to May, 1867, namely: 1st. The fourth section of "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed May 3d, 1852, and the several acts amendatory thereof and supplementary thereto, passed April 5th, 1856. (S. & C., 1493 and 1553.) 2d. "An act to authorize the construction of sewers in cities of the second class having over thirteen thousand inhabitants at the last federal census," passed February 9th, 1863. (Laws of 1863, page 6.) 3d. "An act supplementary to an act entitled 'an act to amend an act to provide for the organization of cities and incorporated villages,'" passed March 11th, 1853, and the act amendatory thereof, passed April 29th, 1854; passed February 19th, 1866. (S. & C., 1527 and 1562, Laws of 1866, page 18.) 4th. Sections three, four, five and six of an act entitled an act to amend section sixty-nine of an act to provide for the organization of cities and incorporated villages, passed May 3d, 1852, as amended March 26th, 1862, (Laws of 1862, page 31,) and to repeal section one of the last named act; provided, that the repeal of this section shall not be construed to affect cities of the second class.

SEC. 2. The city council shall have power to appoint the city civil engineer, the city fire engineer, the superintendent of the markets and the street commissioner; said officers shall be appointed on the second Tuesday in April of each year; they shall hold their offices for one year, and until their successors are appointed and qualified, and shall receive such compensation for their services as the city council may allow. The judge of the police court shall perform the duties of clerk, keep such record and perform other duties as required by law.

3 Curwen,
1835.

Provisions of
acts extend-
ed to cities
of first class.

4 Curwen,
2726.

3 Curwen,
2153.

4 Curwen,
2601, 2606.

Appoint-
ment of cer-
tain officers;

—their term
of office, etc.

Clerk.

SEC. 3. The directors of the infirmary shall consist of the chairman of the committee on infirmary of the city council, the superintendent of the infirmary, who shall be appointed by the city council, and one infirmary director, who shall be elected on the first Monday in April, and shall hold his office two years and until his successor in office shall be elected and qualified; provided, no infirmary director shall be elected by the city at large until an election be ordered by the city council.

Directors
and superin-
tendent of
infirmary.

SEC. 4. The city council, for the purpose of paying any floating indebtedness of such city heretofore incurred, shall have the power to issue the bonds of such city and borrow money thereon, which bonds may be in such amounts and for such length of time, not exceeding fifteen years, and at such rate of interest as such city may deem proper, not to exceed 7-30 per cent. per annum; and when such bonds shall have been issued, a tax shall be assessed and collected, sufficient in amount to provide a sinking fund for their final redemption, as provided in section ninety-one of the "act to provide for the organization of cities and incorporated villages," passed May 3d, 1852; provided, that the whole amount of the bonds issued under this section shall not exceed the sum of \$100,000.

Floating
debt.

Sinking
fund.

3 Curwen,
1862.

SEC. 5. That hereafter the treasurer of each county in this state, containing a city of the first class, advanced to that grade between decennial periods, shall collect all taxes and assessments levied, assessed and certified to the county auditor by the city council of such city, and by said auditor placed on the duplicate for collection. He shall also receive from persons authorized to collect or required to pay the same, all moneys accruing to the city from fines, penalties, licenses, and for costs taxed in police courts, and for rents and debts due to the city, and disburse the same on the order of such person or persons as may be authorized by ordinance of the city to draw the same; and the said county treasurer shall receive for said services such compensation as may be allowed by the city council, not exceeding five hundred dollars per year.

County
treasurers to
collect taxes;

—and receive
and disburse
moneys ac-
cruing from
fines, licen-
ses, etc.

SEC. 6. Such cities shall, at the next regular annual period for the election of municipal officers, organize according to the new grade, by the election of all the officers to fill the offices of such city, except those hereinbefore provided to be appointed by the council of such city; and when such officers shall be qualified, the terms of all persons heretofore holding such offices shall expire; and the council elected at said election shall organize in the manner prescribed by section fifty-nine of the act passed May 3, 1852, and shall determine by lot, as therein provided, the term of service of each trustee elected from the several wards of said city.

Organization
and election
of officers.

3 Curwen,
1851-2.

SEC. 7. The council of any such city may borrow money to pay for any special improvement for such time as may be necessary to collect the same, in such amount as is now authorized by law; or may assess and collect the same before making said improvements, as they may deem expedient. Should any assessment prove insufficient to pay the costs

City coun-
cil may bor-
row money
for special
improvements.

and expenses of the special improvement for which it may have been made, the council may make an additional pro rata assessment to supply such deficiency; and in case a larger sum shall have been collected than needed for such improvement, the same shall be returned pro rata to the persons from whom it shall have been collected.

Appropriation of land.

SEC. 8. That whenever any such city shall hereafter make any appropriation of land for the purpose of opening, extending or widening any street, lane or alley, and such city shall fail to pay for or take possession of the land so appropriated within one year after the assessment of compensation for such land shall have been made by a jury as now provided by law, the right of such city to make such appropriation on the terms of the assessment so made, shall cease and determine; and any land so appropriated shall be relieved from all incumbrances on account of the legal proceedings in such case or the resolution of the council making such appropriation, and the judgment or order of the court directing such assessment to be paid, shall cease to be of any effect except as to the costs adjudged against such city. All orders or judgments directing the payment of any assessment for land appropriated for the purposes aforesaid, by any such city before the passage of this act, shall in like manner cease and determine, except as to costs assessed against such city, unless proceedings to enforce the same are commenced by the owners of land so appropriated, or payment of compensation for the same is made by said cities within one year from and after the passage of this act.

SEC. 9. All laws, ordinances and resolutions heretofore lawfully passed and adopted by the city council of any such city, shall be, remain and continue in force until repealed or altered by the city council established by this act.

SEC. 10. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 14, 1867.

AN ACT

Relating to free turnpike roads.

Council may construct turnpike roads;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That town councils of incorporated villages, having by the last federal census not less than two thousand and not more than four thousand five hundred inhabitants, are hereby authorized to levy a tax to construct free turnpike roads or a part thereof in counties wherein such villages are situated, and terminating in or running through said villages.

SEC. 2. For this purpose the said town councils are here-

by authorized to issue the bonds of said incorporated villages, payable with legal interest at such times as said town councils may deem advisable, and such bonds shall not be sold for less than their par value. —and issue bonds;

SEC. 3. For the purpose of paying said bonds and the interest thereon, as the same may become due, the said town councils are hereby authorized to levy a tax upon the taxable property of said incorporated villages, sufficient for the purpose, not exceeding five mills on the dollar in any one year; provided, that such tax shall in no case be levied, nor shall such bonds be issued, until at some regular election, held in the year 1867, the majority of the qualified electors of such villages shall approve thereof. —and levy tax.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 14, 1867.

AN ACT

To provide for the creation and regulation of independent agricultural societies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any number of persons, not less than ten, who are residents of any county, or of two or more adjoining counties of this state, shall organize themselves into a society for the promotion of agriculture, horticulture, and the mechanic arts, in such county or counties, and shall, under their hands and seals, make a certificate and acknowledge the same before a justice of the peace, in which shall be specified the name of the society, the object of its formation and the county in which it shall be located, and shall record the same in the recorder's office of such county; such society shall be deemed a body corporate and politic, with succession, and with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation, to make and use a common seal and the same to alter at pleasure, and shall have power to establish all necessary rules and regulations for the management of affairs and the legitimate business of the society.

Organization
of agricultural,
horticultural or
mechanical as-
sociations.

SEC. 2. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 12, 1867.

AN ACT

To amend an act entitled "an act supplementary to the act further to prescribe the duty of county commissioners," passed April 8, 1856 and to repeal a certain act therein named. (S. & C. page 249.)

4 Curwen,
2800.

County commissioners may sell real estate belonging to county.

When amount exceeds ten thousand dollars, must first be submitted to legal voters.
4 Curwen,
2801.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county be and they are hereby authorized, whenever, in their opinion the public interests of any such county would be promoted thereby, to sell and dispose of any real estate now or hereafter acquired by any county, and also to purchase such other real estate, in any county, as the commissioners thereof may deem necessary for the public use; provided, that whenever the amount of any sale together with any additional appropriation that may be required for any specific purpose, shall exceed ten thousand dollars, the question of sale and appropriation shall first be submitted to the qualified voters of the county, as provided in section three of the act "further to prescribe the duties of county commissioners," passed April 8, 1856.

SEC. 2. That "an act supplementary to the act further to prescribe the duty of county commissioners," passed April 8, 1856, passed March 11, and took effect May 1, 1857, be and the same is hereby repealed.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 12, 1867.

AN ACT

To amend an act entitled "an act to amend section ten of an act entitled 'an act to provide for the election and qualification of clerk of the supreme court of Ohio, and prescribing the duties and fixing compensation of such clerk,' passed March 29, 1865, and supplementary thereto, passed April 5, 1866. (Vol. 63, O. L., page 132.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of the above recited act be so amended as to read as follows:

When fees exceed \$15.00 excess to be paid into treasury.

When fees fall short, deficiency to be paid out of treasury.

Court may require clerk to report amount of fees received.

Sec. 10. That in (the) case the amount of fees, as herein provided, shall exceed the sum of fifteen hundred dollars in any one year, the amount of any such excess shall be ascertained by the supreme court, and upon the order of the court shall be certified and paid into the treasury of the state; but in case the amount of fees, as herein provided, shall fall short of said sum of fifteen hundred dollars in any one year, the amount of said deficiency shall be ascertained by the court, and upon its order shall be paid to the clerk out of the treasury; provided, that the said supreme court may, in their discretion, require said clerk to report the amount of fees received by him, as herein provided, at the expiration of every three months, and if there be an excess over the amount said clerk is entitled to receive for three months' services,

the court shall order the same to be paid into the treasury, but in case said fees do not amount to a sum equal to one-fourth of the annual salary of said clerk, the said supreme court, or chief justice thereof, shall ascertain the deficiency and certify the same to the auditor of state, on whose order the same shall be paid out of the treasury.

SEC. 2. That section ten of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 12, 1867.

AN ACT

To amend an act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840. (S. & C., 610.)

1 Curwen
753-4.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 233 of the above entitled act be amended so as to read as follows:

Section 233. Any such creditor whose right of action shall first accrue after the expiration of the time of such limitation, and whose claim shall not have been presented to the court, or if presented, shall not have been allowed, as provided in the fourth part of this act, may recover the same against the heirs, widow as next of kin, and next of kin of the deceased, and the devisees and legatees under his will, each one of whom shall be liable to the creditor to an amount not exceeding the value, whether of real or personal estate, that he or she shall have received under the will, or by the distribution of the estate of the deceased; provided, that if by the will of the deceased any part of his estate, or any one or more of the devisees or legatees, shall be made exclusively liable for the debt, in exoneration of the residue of the estate, or of the other devisees or legatees, the provisions of the will shall be complied with in that respect, and the persons and estate so exempt by the will, shall be liable for only so much of the debt, if any, as cannot be recovered from those first chargeable therewith; and, provided further, no such suit shall be maintained unless it be commenced within one year next after the time when the right of action shall first accrue, except the person entitled to bring any action mentioned in this section be, at the time the cause of action accrued, within the age of twenty-one years, if a male, and eighteen years if a female, a married woman, insane or imprisoned, every such person shall be entitled to bring such action within one year after such disability is removed.

Claims
against es-
tates of de-
ceased per-
sons.

Proviso as to
persons being
made liable
by the will.

When suit
must be com-
menced.

SEC. 2. That the original section 233 of the above recited act is hereby repealed

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 12, 1867.

AN ACT

To provide for the equalization of the assessment of the property of railroads, and to repeal an act therein named. (Vol. 63, O. L., p. 68.)

Who to constitute board.

Time and place of meeting.

Powers and duties of board.

Boards of assessors to report to board of equalization reports of railroad officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state, treasurer of state and attorney general shall constitute a board of equalization of the property of the several railroads in this state, as found and determined by the several boards created under the act entitled "an act supplementary to 'an act entitled an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money,'" passed May, 1st, 1862, and the act amendatory thereof, passed April 14th, 1863. Said board shall meet annually, on the first Wednesday after the tenth day of June, at the office of the auditor of state, in Columbus, and shall have power to hear complaints and equalize all the property of railroads, as returned by the several boards of assessors and appraisers, under said act, by adding to the valuation of such roads as in their opinion are returned below their value in money, estimated according to said amendatory act, passed April 14th, 1863, or by reducing the value of such roads as in their opinion have been returned above their value in money. And it is hereby made the duty of the several boards of assessors and appraisers above mentioned, to send immediately after their adjournment to the board of equalization herein constituted, all the reports of the various railroad officers, as required to be made to said several boards by said act of April 14, 1863, and which formed the basis of taxation on said railroads, respectively, and also send such other information as the said board of equalization may require; provided, that nothing herein contained shall be construed to authorize the said state board of equalization to reduce the aggregate of the assessed value of railroads in the state as returned by the said boards of assessors and appraisers.

SEC. 2. The act entitled "an act to provide for the equalization of the assessment of property of railroads, and to repeal an act therein named," passed April 2d, 1866, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 16, 1867.

AN ACT

To amend the third section of an act entitled "An act regulating the fees of sheriffs in civil and criminal cases," passed March 13th, 1837, took effect June 1st, 1837. (Swan & Critchfield, vol. 1, page 633.)

1 Curwen,
306.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of an act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March 13th, 1837, took effect June 1st, 1837, be so amended as to read as follows: Section 3. That in all criminal cases, wherein the state fails to convict, or the defendants, convicted, prove insolvent, and in all other cases not particularly provided for, the sheriff shall receive, for his official services rendered therein, the same fees as are allowed him for like services in other cases, to be paid out of the county treasury, on the order of the county auditor, which shall issue on the certificate of the clerk of the court of common pleas approved by the judge of said court, and on a like certificate of the probate judge, in any county where the probate court has jurisdiction in minor criminal cases; provided that in no one year shall such fees exceed three hundred dollars.

Allowance of
fees in cases
where the
state fails to
convict;

—To be paid
out of county
treasury.

SEC. 2. That section three of the act above recited be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 16, 1867.

AN ACT

To transfer and appropriate certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any township of this state, in the treasury of which township there shall have been an accumulation of any funds during or since the war, under any of the laws enacted during or on account of the war, for the payment of bounties to volunteers, for the relief of the families of soldiers or marines in the service of the state or of the United States, or by the voluntary contributions of individuals for either of said purposes, and in which treasuries there shall be remaining an unexpended balance of such funds, not needed for the purpose for which raised, the trustees of such township are hereby authorized to transfer any such unexpended balances of any such funds to the township fund of such township, and appropriate the same to the current expenses of such township, or to school, road, or any other purpose for which township trustees are authorized by law to levy and use money in their respective townships.

Township
trustees may
transfer cer-
tain funds

of incorporated companies in the state of Ohio, passed May 1, 1852, be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 11, 1867.

AN ACT

To provide for the organization, as cities of the first class, of such cities as may have been advanced to the grade of cities of the first class, between decennial periods, and prior to May, 1867, and also supplementary to the act passed May 3, 1852, entitled "an act to provide for the organization of cities and incorporated villages," and to the several acts supplementary thereto and amendatory thereof, now in force; also, further to define the duties of county treasurers.

3 Curwen,
1835.

Provisions of
acts extend-
ed to cities
of first class.

4 Curwen,
2726.

3 Curwen,
2153.

4 Curwen,
2601, 2606.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the several acts and parts of acts of the general assembly of the state of Ohio hereinafter recited and specified, are hereby extended to such cities as may have been advanced to the grade of cities of the first class, between decennial periods, and prior to May, 1867, namely: 1st. The fourth section of "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed May 3d, 1852, and the several acts amendatory thereof and supplementary thereto, passed April 5th, 1856. (S. & C., 1493 and 1553.) 2d. "An act to authorize the construction of sewers in cities of the second class having over thirteen thousand inhabitants at the last federal census," passed February 9th, 1863. (Laws of 1863, page 6.) 3d. "An act supplementary to an act entitled 'an act to amend an act to provide for the organization of cities and incorporated villages,'" passed March 11th, 1853, and the act amendatory thereof, passed April 29th, 1854; passed February 19th, 1866. (S. & C., 1527 and 1562, Laws of 1866, page 18.) 4th. Sections three, four, five and six of an act entitled an act to amend section sixty-nine of an act to provide for the organization of cities and incorporated villages, passed May 3d, 1852, as amended March 26th, 1862, (Laws of 1862, page 31,) and to repeal section one of the last named act; provided, that the repeal of this section shall not be construed to affect cities of the second class.

Appoint-
ment of cer-
tain officers;

—their term
of office, etc.

Clerk.

SEC. 2. The city council shall have power to appoint the city civil engineer, the city fire engineer, the superintendent of the markets and the street commissioner; said officers shall be appointed on the second Tuesday in April of each year; they shall hold their offices for one year, and until their successors are appointed and qualified, and shall receive such compensation for their services as the city council may allow. The judge of the police court shall perform the duties of clerk, keep such record and perform other duties as required by law.

SEC. 3. The directors of the infirmary shall consist of the chairman of the committee on infirmary of the city council, the superintendent of the infirmary, who shall be appointed by the city council, and one infirmary director, who shall be elected on the first Monday in April, and shall hold his office two years and until his successor in office shall be elected and qualified; provided, no infirmary director shall be elected by the city at large until an election be ordered by the city council.

Directors
and superin-
tendent of
infirmary.

SEC. 4. The city council, for the purpose of paying any floating indebtedness of such city heretofore incurred, shall have the power to issue the bonds of such city and borrow money thereon, which bonds may be in such amounts and for such length of time, not exceeding fifteen years, and at such rate of interest as such city may deem proper, not to exceed 7-30 per cent. per annum; and when such bonds shall have been issued, a tax shall be assessed and collected, sufficient in amount to provide a sinking fund for their final redemption, as provided in section ninety-one of the "act to provide for the organization of cities and incorporated villages," passed May 3d, 1852; provided, that the whole amount of the bonds issued under this section shall not exceed the sum of \$100,000.

Floating
debt.

Sinking
fund.

3 Curwen,
1862.

SEC. 5. That hereafter the treasurer of each county in this state, containing a city of the first class, advanced to that grade between decennial periods, shall collect all taxes and assessments levied, assessed and certified to the county auditor by the city council of such city, and by said auditor placed on the duplicate for collection. He shall also receive from persons authorized to collect or required to pay the same, all moneys accruing to the city from fines, penalties, licenses, and for costs taxed in police courts, and for rents and debts due to the city, and disburse the same on the order of such person or persons as may be authorized by ordinance of the city to draw the same; and the said county treasurer shall receive for said services such compensation as may be allowed by the city council, not exceeding five hundred dollars per year.

County
treasurers to
collect taxes;

—and receive
and disburse
moneys ac-
cruing from
fines, licen-
ses, etc.

SEC. 6. Such cities shall, at the next regular annual period for the election of municipal officers, organize according to the new grade, by the election of all the officers to fill the offices of such city, except those hereinbefore provided to be appointed by the council of such city; and when such officers shall be qualified, the terms of all persons heretofore holding such offices shall expire; and the council elected at said election shall organize in the manner prescribed by section fifty-nine of the act passed May 3, 1852, and shall determine by lot, as therein provided, the term of service of each trustee elected from the several wards of said city.

Organization
and election
of officers.

3 Curwen,
1851-2.

SEC. 7. The council of any such city may borrow money to pay for any special improvement for such time as may be necessary to collect the same, in such amount as is now authorized by law; or may assess and collect the same before making said improvements, as they may deem expedient. Should any assessment prove insufficient to pay the costs

City coun-
cil may bor-
row money
for special
improvements.

and expenses of the special improvement for which it may have been made, the council may make an additional pro rata assessment to supply such deficiency; and in case a larger sum shall have been collected than needed for such improvement, the same shall be returned pro rata to the persons from whom it shall have been collected.

Appropriation of land.

SEC. 8. That whenever any such city shall hereafter make any appropriation of land for the purpose of opening, extending or widening any street, lane or alley, and such city shall fail to pay for or take possession of the land so appropriated within one year after the assessment of compensation for such land shall have been made by a jury as now provided by law, the right of such city to make such appropriation on the terms of the assessment so made, shall cease and determine; and any land so appropriated shall be relieved from all incumbrances on account of the legal proceedings in such case or the resolution of the council making such appropriation, and the judgment or order of the court directing such assessment to be paid, shall cease to be of any effect except as to the costs adjudged against such city. All orders or judgments directing the payment of any assessment for land appropriated for the purposes aforesaid, by any such city before the passage of this act, shall in like manner cease and determine, except as to costs assessed against such city, unless proceedings to enforce the same are commenced by the owners of land so appropriated, or payment of compensation for the same is made by said cities within one year from and after the passage of this act.

SEC. 9. All laws, ordinances and resolutions heretofore lawfully passed and adopted by the city council of any such city, shall be, remain and continue in force until repealed or altered by the city council established by this act.

SEC. 10. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 14, 1867.

AN ACT

Relating to free turnpike roads.

Council may construct turnpike roads;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That town councils of incorporated villages, having by the last federal census not less than two thousand and not more than four thousand five hundred inhabitants, are hereby authorized to levy a tax to construct free turnpike roads or a part thereof in counties wherein such villages are situated, and terminating in or running through said villages.

SEC. 2. For this purpose the said town councils are here-

by authorized to issue the bonds of said incorporated villages, payable with legal interest at such times as said town councils may deem advisable, and such bonds shall not be sold for less than their par value. —and issue bonds;

SEC. 3. For the purpose of paying said bonds and the interest thereon, as the same may become due, the said town councils are hereby authorized to levy a tax upon the taxable property of said incorporated villages, sufficient for the purpose, not exceeding five mills on the dollar in any one year; provided, that such tax shall in no case be levied, nor shall such bonds be issued, until at some regular election, held in the year 1867, the majority of the qualified electors of such villages shall approve thereof. — and levy tax.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 14, 1867.

AN ACT

To provide for the creation and regulation of independent agricultural societies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any number of persons, not less than ten, who are residents of any county, or of two or more adjoining counties of this state, shall organize themselves into a society for the promotion of agriculture, horticulture, and the mechanic arts, in such county or counties, and shall, under their hands and seals, make a certificate and acknowledge the same before a justice of the peace, in which shall be specified the name of the society, the object of its formation and the county in which it shall be located, and shall record the same in the recorder's office of such county; such society shall be deemed a body corporate and politic, with succession, and with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation, to make and use a common seal and the same to alter at pleasure, and shall have power to establish all necessary rules and regulations for the management of fairs and the legitimate business of the society.

Organization
of agricultural,
horticultural or
mechanical as-
sociations.

SEC. 2. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 12, 1867.

Physicians
must report
to probate
judge every
three months

Physicians,
clergymen
and sextons
must report
number of
deaths every
three months

Probate
judge to re-
cord reports;

—and trans-
mit an ab-
stract to
commission-
er of statis-
tics.

Penalty for
neglecting or
refusing to
report.

Record shall
be received
in all courts
as evidence.

Curwen,
2734.

ceased persons at the time of their deaths. It shall be the duty of physicians and professional midwives to report fully the births registered by them as required by this act, to the judge of the probate court of the county every three months, viz: on or before the second Monday of the months of January, April, July and October of each year; in case there is no physician or midwife in attendance at any birth, then the parents shall be requested to report to the probate judge within one month, and physicians, clergymen and sextons shall likewise report fully the deaths registered by them as required by this act to the judge of the probate court of the county every three months, as above designated.

SEC. 3. It shall be the duty of the probate judge of each county in this state receiving the reports as above specified, within fifteen days after the receipt thereof, to record the same in a book to be provided by the county commissioners for that purpose, and to transmit an abstract thereof, on or before the first Monday of November every year to the commissioner of statistics in such form as shall be prescribed by that officer, who shall file the same in his office to be used by him in his annual report to the legislature.

SEC. 4. Every person who shall neglect or refuse to comply with or violate the provisions of this act, shall forfeit and pay for each office [offense] the sum of ten dollars, to be sued for and recovered in the name of the state of Ohio, and the penalty when recovered, shall be paid over, one-half thereof to the school fund, and one-half to the party making complaint thereof.

SEC. 5. Every original entry made as above described, and a copy of such entry, duly certified over the seal of said court, shall be received in all courts and places as prima facie evidence of the facts therein stated, and said records shall be open to the inspection of the public at all proper hours.

SEC. 6. The probate judges shall be entitled to receive and charge for all services under this act, like fees as are charged and taxed by law for similar services in other cases.

SEC. 7. That the act entitled "an act to provide for the registration of births, marriages and deaths in Ohio," passed April 8th, 1856, be and the same is hereby repealed.

SEC. 8. This act shall take effect and be in force from and after the first day of July, A. D. 1867.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

March 18, 1867.

AN ACT

3 Curwen,
2011.

To amend section 455 of "an act to establish a code of civil procedure," passed March 11th, 1853, took effect June 1st, 1853. (S. & C. page 1066.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section 455 of the act to establish a code*

of civil procedure, be and the same is hereby amended so as to read as follows:

Section 455. No sheriff or coroner shall forward by mail any money made on any such execution, unless he shall be specially instructed to do it by the plaintiff, his agent, or attorney of record. In all cases of a motion to amerce a sheriff or other officer of any county other than the county from which the execution issued, notice in writing shall be given to such officer, as hereinbefore required, by leaving it with him or at his office at least fifteen days before the first day of the term at which such motion shall be made, or by transmitting a notice by mail at least sixty days prior to the first day of the term at which such motion shall be made. All amercements so procured shall be entered on the record of the court, and shall have the same force and effect as a judgment.

Forwarding
money by
mail.

Amerce-
ments.

SEC. 2. That the original section 455 of the act to establish a code of civil procedure, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 20, 1867.

AN ACT

To exempt from levy and sale upon execution a certain article therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases whatsoever one sewing machine owned by any person using the same for the purpose of maintaining himself or herself, or family, shall be exempt from execution, attachment, or sale, to satisfy any judgment, decree or debt.

Sewing ma-
chines ex-
empt from
execution.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 20, 1867.

AN ACT

Authorizing treasurers of villages and townships to deposit their funds in banks, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any village or township in the State of Ohio, in which there is not provided a good fire and burg-

Village and township treasurers authorized to deposit money in banks.

If money is lost, treasurer held accountable.

lar proof safe, in which to keep the funds belonging to said village or township, the treasurer or person intrusted with funds of the same, may, by and with the consent of the council of said village or trustees of said township, deposit the funds belonging to said village or township in some bank or other safe place, subject to the order of the treasurer making the deposit.

SEC. 2. The failure or inability on the part of any individual or corporation, with whom the funds of any village or township may be deposited, to refund the money deposited, shall not in any way or manner release the treasurer of any village or township from responsibility, but he shall be held and firmly bound for the money belonging to said village or township.

SEC. 3. This act shall take effect on and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 20, 1867.

AN ACT

Defining the jurisdiction of the probate court in the county of Defiance in minor criminal cases, and amendatory to an act therein named.

Jurisdiction of probate court extended to Defiance county.

4 Curwen, 3161.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled "an act defining the jurisdiction of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12th, 1858, and amended April 13th, 1865, so as to extend to the counties of Allen and Wood, and as amended March 9th, 1866, so as to extend to the counties of Paulding and Putnam, be and the same are hereby extended to the county of Defiance.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 20, 1867.

AN ACT

To amend the second section of an act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," passed March 27th, 1861, and took effect on its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be amended so as to read as follows:

Section 2. That before the county commissioners of any

county shall take any steps toward locating and establishing any ditch, drain or water course, there shall be filed with the county auditor, a petition from one or more persons owning lands adjacent to, or through which, or in the vicinity of which, the line of said proposed ditch, drain or water course is supposed to pass, setting forth the necessity of the same, with a general description of the proposed starting point, route and terminus, and shall at the same time file a bond, not less than thirty dollars per mile of the supposed length thereof, with good and sufficient sureties to the acceptance of the county auditor, conditioned to pay all expenses incurred in case the county commissioners shall refuse to grant the prayer of the petition, or fail to establish said proposed ditch, drain or water course; and it shall be the duty of the commissioners, if they deem it necessary and advisable, to make an order and enter the same on their journal, directing the auditor to immediately thereafter place a correct copy of said petition and said order in the hands of a competent surveyor, or surveyor and engineer, as the commissioners may direct, who shall thereupon take to his aid the necessary assistance, and proceed to make an accurate survey or level, or both, as the commissioners may order and direct, of the route (or as near the route as may be practicable) of such proposed ditch, drain or water course, and on the completion thereof shall return a plat, or plat and profile, of the same, as the commissioners may direct, to the said county auditor, and shall also set forth in his return any or all of the following matters and things as the commissioners, in their said order, may direct: a definite description of the proposed route, its availability and necessity, with a description of each separate tract of land, how it will be affected thereby, and its situation and level as compared with adjoining lands, the distance on each land owner, the depth of excavation, and the dimensions of said proposed drain at least every hundred feet in length, and fix a grade line, and specify the manner in which the work should be done, the necessary flood gates, water ways, bridges and farm crossings, together with such other facts and suggestions as the commissioners may deem material; it shall be the duty of the county auditor, immediately on said report being filed, to cause notice of the same, the pendency and prayer of said petition, and the time set for the hearing thereof by the county commissioners, at which time they will establish the same; also, make an apportionment of the costs and expenses of making said location, and the apportionment of the labor of constructing said ditch, drain, or water course, to be given by publication for four consecutive weeks in some newspaper published or of general circulation in said county.

SEC. 2. That said original section two of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARHOTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 20, 1867.

Petitions must be filed with county auditor.

Petitioners must give bond.

County commissioners may order survey to be made.

Description of proposed route, &c.

County auditor to give notice of pendency of petition;

—and apportion cost of construction.

AN ACT

To amend section one of an act entitled an act to authorize county commissioners to offer and pay rewards in certain cases, passed January 26, 1865. (O. L., Vol. 62, page 4.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act, be so amended as to read as follows:

County commissioners may offer reward for persons charged with certain criminal offenses.

Sec. 1. That the county commissioners of the several counties of this state are hereby authorized, when they deem the same expedient, to offer such rewards as, in their judgment, the nature of the case may require, for the detection or apprehension of any person or persons charged with or convicted of a crime or offense made punishable by death or imprisonment in the penitentiary by the laws of this state, and pay the same on the conviction of such person or persons, together with all other necessary expenses not otherwise provided for by law, incurred in making such detection or apprehension, out of the county treasury.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 27, 1867.

AN ACT

To provide for increasing or reducing the width of county or township roads.

County or township roads may be reduced or increased in width.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the several counties shall have power to increase or reduce the width of any of the county roads within their respective counties, and the township trustees of the several townships shall have power to increase or reduce the width of any of the township roads within their respective townships; provided, that no county or township road shall be widened beyond the maximum limit, or narrowed to less than the minimum limit fixed by law for such county or township roads.

Proceedings.

SEC. 2. That before any county or township road shall be increased in width as provided in the foregoing section, the same proceedings shall be had, in all respects, so far as the same may be applicable, as are now required in regard to the laying out, opening and establishing of such county or township roads; and before any county or township road shall be reduced in width, as provided in the foregoing section, the same proceedings, shall be had, in all respects, so far as the same may be applicable, as are now required in regard to the vacation of such county or township roads.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. McBURNEY,
President of the Senate.

March 27, 1867.

AN ACT

To amend an act entitled an act for the punishment of certain offenses therein named, passed March 8th, 1831.

3 Curwen,
 2372. S. & C.
 431.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-six of an act entitled an act for the punishment of certain crimes therein named, passed March 8th, 1831, be so amended as to read as follows:

Section 26. That if any person shall write, print, or publish any false or malicious libel of or concerning another, or shall cause or procure any such libel to be written, printed or published, every person so offending shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court, and moreover, be liable to the party injured.

Publishing
 false or ma-
 licious libel.

SEC. 2. That the original section twenty-six of the act to which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. McBURNEY,
President of the Senate.

March 27, 1867.

AN ACT

To amend section one of an act supplementary to "an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852," passed April 6th, and took effect May 1st, 1859. (S. & C. R. S., page 345.)

4 Curwen,
 3359.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act supplementary to "an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852," passed April 6th, and took effect May 1st, 1859, be so amended as to read as follows:

Section 1. That whenever any number of persons, as required by the first section of the act to which this is supplementary and amendatory, associating to form a company for

Improvement of streams of water—how company formed.

Certificate must be deposited with secretary of state;

—and also with county recorder.

the purpose of improving any stream of water, or any part thereof, heretofore declared navigable by any of the laws of the state of Ohio, they shall, under their hands and seals, make a certificate, in which they shall specify as follows: 1st. The name assumed by such company, and by which it shall be known. 2d. The commencement and termini of such improvement, and the counties through which the same shall pass. 3d. The amount of capital stock necessary to make said improvement, not less than one thousand dollars, and the amount of each share. Such certificate shall be acknowledged, certified, and forwarded to the secretary of state, recorded and copied in the same manner as is provided in the second section of the act to which this is supplementary and amendatory; and said certificate shall also be recorded in the recorder's office of the county in which such company shall have its principal office for doing business; and when so incorporated, are hereby authorized to make said improvement, by the cleaning out of said stream or streams, widening the channel of the same, erection of dams, or raising or repairing any dams already erected on any such stream or streams which said company may purchase or condemn, by virtue of law; erect locks and all other things necessary for said improvement, as may be named in their certificate of incorporation, and by the name and style provided in said certificate, shall be deemed a body corporate with succession, and they and their associates to have the said [same] general powers as is provided in the third section of the act to which this is supplementary and amendatory.

SEC. 2. Section one of the above recited act, to which this is amendatory, is hereby repealed.

SEC. 3. This act shall be in force on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 29, 1867.

AN ACT

4 Curwen,
3410.

To amend sections one and two of an act supplementary to the act entitled "an act to provide for the organization of cities and incorporated villages, as amended March 7th, 1860." (S. & C., 1562.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages," as amended March 7th, 1860, be and is hereby amended so as to read as follows:

Section 1. That for the purpose of purchasing, enlarging, improving, or embellishing grounds for cemetery purposes, the council of any municipal corporation, organized under the act to which this act is supplementary, shall have power

to levy, in addition to the taxes otherwise authorized by law to be levied, upon the taxable property of such municipal corporation, a tax not exceeding two mills on the dollar, each year during a term of not exceeding six years, which tax shall be collected in the same manner as other taxes of such corporation; and the money arising from such levy shall be set apart exclusively for the purpose of said purchase, and for enlarging, improving and embellishing said cemetery grounds; provided the aggregate amount levied for such purposes shall not exceed five thousand dollars.

Purchasing, enlarging, or embellishing cemetery grounds.

SEC. 2. That section second of the above recited act be and is hereby amended so as to read as follows, viz:

Section 2. Whenever the council of any municipal corporation aforesaid shall have passed an ordinance for the levy of the taxes authorized by the foregoing section, it shall be lawful for such council to proceed to purchase land for a cemetery, or to enlarge, improve, or embellish the same, and may pledge to the vendor thereof the money arising from said levies made or to be made for that purpose, in payment therefor, so far as the same shall be necessary, together with seventy-five per centum of the money accruing from the sale by such corporation of lots in such cemetery, as hereinafter provided; and upon full payment to the vendor of the purchase money for said land, said municipal corporation may receive from the vendor an absolute conveyance thereof: Provided, that if any council of any such municipal corporation shall deem it best so to do, then said council, on behalf of such corporation, shall be authorized to borrow money for the purpose of paying the purchase money and for the improvement of said cemetery grounds; and in anticipation of the taxes to be raised under the levies aforesaid, may issue the bonds of said corporation, bearing the highest legal rate of interest, for the money so to be borrowed, and payable at such time or times as said council may consider advisable.

When council may proceed to purchase or improve.

Council may borrow money;—and issue bonds.

SEC. 3. That said original sections one and two of the above recited act be and the same are hereby repealed, and this act shall take effect on its passage.

ED. A. PARBOTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 29, 1867.

AN ACT

- To amend section four of an act to provide for the appointment of trustees for minors who reside out of this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of an act entitled "an act to provide for the appointment of trustees for minors residing out of this state," passed March 19th, 1849, be amended so as to read as follows:

Real estate
of minors.

Section 4. The said trustee is hereby authorized to sell the real estate of said minor or minors under the same rules and regulations as are now or may be provided by law for the sale of real estate by guardians of minors of this state.

SEC. 2. That said original section four be and the same is hereby repealed, and this act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 29, 1867.

AN ACT

3 Curwen,
2044.

To amend section thirteen of an act entitled an act defining the jurisdiction and regulating the practice of probate courts, passed March 14th, 1853. (S. & C., page 1214.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirteen of the above recited act be amended so as to read as follows:

Office must
be at county
seat.

Section 13. The probate judge must keep an office at the county seat open at all reasonable hours suitable for the transaction of business, and for the deposit and safe keeping of the public books, records and papers under his charge. Such office shall be furnished by the county commissioners, and provided with suitable cases for the safe keeping and preservation of the books and papers of such court, and also with such blank books, blanks and stationery as may be required by such judge in the discharge of his official duties at the expense of the county.

SEC. 2. That section thirteen of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 29, 1867.

AN ACT

3 Curwen,
2052.

Supplementary to an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853. (S. & C., page 769.)

Property
conveyed for
purpose of
defrauding
creditors
may be at-
tached.

SECTION 1: *Be it enacted by the General Assembly of the State of Ohio*, That when a debtor has sold, conveyed or otherwise disposed of his property, with the fraudulent intent to cheat or defraud his creditors, or to hinder or delay them in the collection of their debts, or is about to make such sale, conveyance or disposition of his property with such fraudu-

lent intent, or is about to remove his property or a material part thereof, with the intent or to the effect of cheating or defrauding his creditors, or hindering or delaying them in the collection of their debts, a creditor may bring an action on his claim before it is due, and have an attachment against the property of the debtor, provided such claim does not exceed one hundred dollars.

SEC. 2. The attachment authorized by the last section, may be granted by the justice of the peace before whom the action is brought; but before such action shall be brought or such attachment shall be granted, the plaintiff, his agent or attorney shall make an oath in writing showing the nature and amount of the plaintiff's claim, that it is just, when the same shall become due, and the existence of some one of the grounds for the attachment enumerated in the preceding section.

When attachment may be granted.

SEC. 3. If the justice refuse to grant an order of attachment, the action shall be dismissed, but without prejudice to a future action; and in all such actions application for an attachment must be made.

SEC. 4. The order of the justice granting the attachment, shall specify the amount for which it is allowed, not exceeding the sum sufficient to satisfy the plaintiff's claim and the probable costs of the action.

Amount of claim must be specified.

SEC. 5. The order of attachment shall not be issued by the justice until there has been executed in his office such undertaking on the part of the plaintiff, as is directed by section twenty-nine of the act to which this is supplemental.

When order of attachment may be issued.

SEC. 6. The plaintiff in such action shall not have judgment on his claim before it is due, and the proceedings on attachment may be conducted without delay.

SEC. 7. The proceedings of the second article of the act to which this is supplemental, subsequent to section twenty-nine, including the amendments heretofore made thereto, shall, so far as they are applicable, regulate the attachment authorized by this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To amend section two of an act entitled an act defining the powers and duties of justices of the peace and constables in criminal cases, as amended February 13, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above entitled act, as amended by an act passed February 13, 1866, be so amended as to read as follows:

Section 2. That the county commissioners in each county

Fees of officers in certain criminal cases.

of the state shall, at each of their quarterly sessions, make an allowance to such constable, marshal, justice of the peace, police judge or mayor in such county for services in criminal cases where the fees are not paid by the state of Ohio out of the state treasury, equal to their respective fees now provided by law in such cases, which may be uncollectable, but such allowance shall not exceed one hundred dollars for any one year; provided, however, that nothing in this act shall prevent the payment of any necessary expenses incurred by any officer in pursuit of accused persons who shall have fled the county, when the same shall with other fees exceed such allowance, nor in any case more than the legal fees to which such officer is now entitled by law; and provided further, that all fees taxed for the benefit of any of the aforesaid officers which shall be collected and paid into the county treasury, shall be paid over to the officer entitled thereto, on the warrant of the county auditor, unless the same has been previously allowed and paid to them by order of the commissioners; and provided further, that no officer shall be allowed any sum for pursuing accused persons who shall have fled the county, except on proof to the satisfaction of said commissioners, that the services have been rendered and that the charges are reasonable; provided further, that said commissioners shall not allow the fees of any such officers in cases where the state shall fail, until satisfied by the certificate of such justice of the peace, police judge, or mayor, before whom such cases shall be heard, or other proof that the prosecuting witness was indigent, and entirely unable to pay the costs or procure security for the same.

SEC. 2. Said act passed February 13, 1866, is hereby repealed.

SEC. 3. This act shall take effect on its passage.

ED, A. PARROTT,

Speaker of the House of Representatives

ANDREW G. McBURNEY,

President of the Senate.

Passed March 29, 1867.

AN ACT

4 Curwen,
3234.

Supplementary to the act entitled "an act to extend the privileges of gas companies," passed March 30th, 1859. (S. & C. 351.)

Penalty for
injuring gas
fixtures, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That every person who shall willfully and maliciously injure, remove, or destroy any gas-lamp, gas-lamp post, gas-lantern, gas-pipe, gas-meter, or any of the fixtures connected therewith, which shall have been set, erected or laid by any gas company, or by any gas-light and coke company under authority granted for that purpose, shall, on conviction thereof, be fined in any sum not exceeding one hun-

dred dollars nor less than five dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To limit the lien of assessments made by municipal corporations to defray the expenses of improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when, by any law of this state, it is provided that any municipal corporation shall have power to assess and collect a charge upon any lots or lands, to defray the expense of improving, keeping in order, repairing or lighting any street, alley, public highway, public ground, wharf, landing-place, or market-space, the lien of any such assessment heretofore made, shall continue for and during the term of two years from and after the passage of this act, and of any such assessment, hereafter to be made, for the term of two years from and after the making thereof, and no longer; unless said municipal corporation, or the person authorized to collect such assessment, shall, before the expiration of such time, have caused the same to be certified to the auditor of the proper county, for entry upon the tax duplicate for collection, or shall have caused the proper action to be commenced in some court having jurisdiction thereof, to enforce such lien against such lots or lands; in which case, the lien shall continue and be in force so long as such assessment shall remain on the tax duplicate uncollected, or so long as such action shall be pending, and any judgment obtained under and by virtue thereof, shall remain in force and unsatisfied.

Limitation
 of lien.

SEC. 2. If an action be commenced within due time, and a judgment therein for the plaintiff be reversed, or if the plaintiff fail in such action otherwise than upon the merits, and the time limited for the same shall have expired, a new action may be commenced within one year after such reversal or failure.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To create a board of health in any city, and to prevent the spread of diseases therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city shall have power to create a board of health as hereinafter provided, and confer upon it any of the following powers :

Who shall
compose the
board.

Term of
office.

No compen-
sation to
members.

Board may
appoint
a health of-
ficer, clerk,
etc.

Power of
board as to
abating nui-
sances.

Orders and
regulations.

SEC. 2. The board of health shall be composed of seven members, and shall be constituted as follows: The mayor of such city, who shall be president ex officio; and six to be appointed by council. The term of office of said members shall be three years, except that those first appointed shall be classified as follows: two to serve for three years, two to serve for two years, and two to serve for one year; so that their terms shall expire in one, two and three years. The members of said board shall serve without compensation. The first appointment of said members shall be made immediately after the passage of this law. The mayor shall call the first meeting, and organize the board of health by taking the chair as president.

SEC. 3. A majority of the whole number of members shall be a quorum. They shall have power to appoint a health officer, a clerk, as many ward or district physicians as they may deem necessary for the proper care of the sick, poor and such other persons as are needful, and to define their duties and fix their salaries. All such appointees shall serve during the pleasure of the board.

SEC. 4. Such council may grant such board power to abate and remove all and every nuisance in such city, and assess the costs and expense of the same upon the property; which assessment, when duly certified by the president of the board to the county auditor, shall become a lien, to be collected the same as any other tax in favor of such city; and for compelling the proprietors or owners, agents or assignees, occupants or tenants of the lot or property, house or building upon or in which the same may be, to abate and remove the same; to regulate the construction and arrangements of water-closets, privy-vaults—also the emptying and cleaving such vaults; to create a complete and accurate system of registration of births, deaths and interments occurring in or near such city, for purposes of legal and geneological investigation, and to furnish facts for statistical, scientific, and particularly for sanitary inquiries; when complaint is made, or a reasonable belief exists that an infectious or contagious disease prevails in any locality or house, to visit such locality or house, make all necessary investigation by inspection, and on discovering that such infectious or contagious diseases exists, to send the person or persons so diseased to the pest-house or hospital. The council may grant power to make and pass all such orders and regulations as they shall from time to time deem necessary and proper for the public health and for the prevention of diseases. Said orders and regulations, when adopted, shall have all the force and effect of ordinances of such city.

SEC. 5. Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in the opinion of said board of health, whether in whole or in part, be in a condition or in effect dangerous to life or health, the said board may declare the same, to the extent it may specify, as a public nuisance, or dangerous to life and health; and the said board may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as said order shall specify, and shall cause said order, before its execution, to be served on the owner, agent, occupant or tenant thereof, or some of them—provided said parties, or any of them, are in such city and can be found; and if any party so served shall, before its execution is commenced, apply to said board, to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order, and to give to such party or parties together, as the case, in the opinion of the board, may require, a reasonable and fair opportunity to be heard before said board, and to present proofs and facts against said declaration and the execution of said order, or in favor of its modification; and the board shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing; and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made, in such form and effect as it may finally determine.

What may be declared a nuisance.

Parties interested may have a hearing.

SEC. 6. The mayor shall have power, and it shall be his duty to detail from the regular police force of such city, or to make new appointments for the purpose, whenever in the opinion of the board of health, the public health and sanitary condition of such city may require. Such policemen, when so detailed, or when appointed, shall be known as the "Sanitary Squad;" the number comprising the "sanitary squad" to be determined by the board of health, according to exigencies of the circumstances; and said sanitary squad shall be subject to the exclusive direction and control of said board for the enforcement of proper sanitary measures, and for the promotion of the public health; whenever, in the opinion of the board of health, the services of the sanitary squad are no longer required, the sanitary condition of the city being clearly such as to render their longer continuance on such duty entirely unnecessary, they shall, on recommendation of the board of health, be returned to duty as regular policemen, or be dismissed, as the mayor may direct.

Mayor may appoint or detail police.

Sanitary squad.

SEC. 7. Said board may take measures and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection; and may afford medical relief to and among the poor of such city, as in its opinion the protection of the public health may require, and during the prevalence of any epidemic disease, may provide temporary hospitals for such purposes.

Gratuitous vaccination and disinfectants.

Temporary hospitals.

SEC. 8. It shall be the duty of said board, on or before the first day of March in each year, to make a report in writ-

Board to make report to council.

What report must contain.

Penalty for violating any provision of this act or order of board, &c.

ing to the city council of such city, upon the sanitary condition and prospects of such city; and such report shall set forth generally the statistics of deaths, the action of said board and of its officers and agents, and the names thereof for the past year, and may contain other useful information, and shall suggest any further legislative action deemed proper for the better protection of life and health.

SEC. 9. Whoever shall violate any provision of this act, or any order of said board of health, made under the authority of the same, or of any law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board, or wilfully and illegally omit to obey any such order, shall be guilty of a misdemeanor, and on conviction, shall be subject to fine and imprisonment, or both, at the discretion of the court; such fine shall not exceed one hundred dollars, and such imprisonment shall not exceed ninety days; and all prosecutions and proceedings against any person for a misdemeanor under this act, may be had or tried before any judge or tribunal having jurisdiction of any misdemeanors within such city; and any person, corporation or body which may have done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof to punishment for a misdemeanor, shall, in addition thereto, be subject to a pecuniary liability in the nature of a fine in an amount not to exceed one hundred dollars, as any court of record, or any justice of the peace may decide.

SEC. 10. The authority, duty and powers, whether given by any law or by any ordinance made thereunder heretofore, for the purpose of preserving or protecting life or health, or preventing disease, conferred upon or belonging to, or being exercised by any board of health, or exercised by any officer or person appointed by or deriving authority from any one or more of the bodies, officers or agents thereof, are hereby conferred upon, and shall be exercised by the said board of health, as herein provided; and the same are to be exercised, as herein set forth, for the greater protection and security of health and life. And the said board shall also possess all the powers and authority for the protection of life and health, or the care and preservation of health or of persons diseased, or threatened therewith, conferred by any law or ordinance relating to any city.

SEC. 11. Where expenses shall be incurred by the board of health, under the provisions of this act, it shall be the duty of the city council of any city, upon application and certificate from said board of health, to pass the necessary appropriating ordinances to pay the expenses so incurred and certified.

SEC. 12. The city council of any city having a population exceeding one hundred and fifty thousand, shall have power in addition to their other powers of taxation, to levy annually, not to exceed one mill on the dollar of all the taxable property in such city to defray the expense incurred by

City council to provide for expenses of board.

Additional powers of taxation granted to city councils.

boards of health created in pursuance of this act, and if there be a surplus, to transfer said surplus to any other of the funds of such city.

SEC. 13. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 29, 1867.

AN ACT

Supplementary to an act passed March 29th, 1866, entitled "An act supplementary to the act entitled 'an act to authorize county commissioners, city councils and township trustees, to levy a tax to refund money borrowed or pledged for local bounties,'" passed April 13th, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where the trustees of any township, city council of any city, in the state of Ohio; shall have failed to levy a tax to refund money borrowed or pledged for local bounties, under an act of the legislature of the said state, passed April 18, 1865, entitled "an act to authorize county commissioners, city councils and township trustees, to levy a tax to refund money borrowed or pledged for local bounties," and certified, or failed to certify the same to the county auditor, but from omission or error the same has not been placed upon the tax duplicate of the year 1866, it shall be lawful for the trustees of any township, or city council of any city, to levy a tax for the payment of bounties, or the refunding of money borrowed to pay bounties, wherein they have heretofore failed to make such levy, and certify the tax so levied to the auditor of the proper county; or where the trustees of any township, or the city council of any city has heretofore levied a tax for the purpose aforesaid, and have failed to certify the same to the county auditor, to carry such levy into effect, by certifying the same to the county auditor. And it shall be lawful for the county auditor to place the same on the tax duplicate for the year 1867, or if the tax herein provided for has been heretofore levied and certified to the county auditor, in pursuance of the act to which this act is supplementary, and by omission or error of the county auditor not entered on the tax duplicate for the year 1866, it shall be lawful for the auditor of the county, to place the tax so certified on the tax duplicate for the year 1867, and the same shall be collected and disbursed in the same manner, and under the same restrictions and regulations, as is required by the act above recited; provided, that nothing herein contained shall be construed to authorize the making or certifying of any levy by township trustees or city councils not made prior to the time limited in the fifth section of the act of April 13, 1865, or for any greater sum than therein named.

Tax may be levied for bounties in certain cases.

Duty of county auditor.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 29, 1867.

AN ACT

Supplementary to an act entitled "An act authorizing the appointment of metropolitan police commissioners in cities of [the] first class, with a population of less than one hundred thousand inhabitants at the last federal census," passed April 5th, 1866.

Provisions of metropolitan police act extended to certain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of said act to which this is supplementary, are hereby extended and made applicable to all cities of the first class having a population less than fifty thousand, and of the second class having a population of twelve thousand and upwards at the last federal census; provided, that the terms of office of the commissioners first appointed for said cities, shall be for two, four, six, and eight years, respectively, and the terms of office of their successors shall be for eight years from the date of their appointment, respectively.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 29, 1867.

AN ACT

To authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named.

Power of county commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county in this state shall have the power, as hereinafter provided, to lay out, construct or improve by straightening, altering, grading, paving, graveling, planking or macadamizing any state or county road, or any part of such road within the limits of their respective counties.

Petition of land holders must be presented before improvement shall be commenced.

SEC. 2. Before the commissioners of any county shall order any improvement mentioned in the first section of this act, a petition shall be presented to them at any regular or called session, signed by a majority of the land holders resident within said county whose lands will be assessed for the expense of the same, as hereinafter provided, stating the

kind of improvement prayed for, and the points between which the same is asked. Upon the presentation of such petition, and the filing of a bond signed by one or more responsible freeholders, conditioned for the payment of the expenses of the preliminary survey, and report if the said improvement shall not finally be ordered, the commissioners shall appoint three disinterested freeholders of the county as viewers, and a competent surveyor or engineer to proceed, upon a day to be named by the commissioners, to examine, view, lay out, or straighten said road, as in their opinion public convenience and utility require, and the county auditor shall notify said viewers and surveyor of the time and place of their meeting to make said view, and shall also give notice by publication in a newspaper, printed in said county, for three consecutive weeks prior to said meeting, which said notice shall state the time and place of said meeting, the kind of improvement asked for, the place of beginning, intermediate points, if any, and the place of termination.

SEC. 3. It shall be the duty of the said viewers and surveyor or engineer to meet at the time and place specified by said commissioners, and, after taking an oath or affirmation, faithfully and impartially to discharge the duties of their appointments, respectively, shall take to their assistance two suitable persons as chain carriers and one marker, and proceed to view, examine, lay out or straighten, as in their opinion public utility and convenience require, and assess and determine the damages sustained by any person or persons, through whose premises said road is proposed to be laid out, straightened or improved; provided, that such viewers shall not be required to assess damages to any person or persons, except minors, idiots or lunatics, in consequence of the appropriation of any private property for the making of said improvement, unless the owner or owners thereof, or their agents, shall have filed a written application with said viewers giving a description of the premises on which damages are claimed by them; provided further, that all applications for damages shall be barred unless they be presented as above required; provided further, that any person or persons feeling aggrieved by the assessment as aforesaid made, may demand of the commissioners to have the same assessed by a jury, in which case, such claimant may appeal to the probate court of said county, and the same proceedings shall there be had, and like orders and judgments rendered as are provided for appeals by claimants for damages in the act entitled "an act to amend an act entitled an act for opening and regulating roads and highways, passed January 27, A. D. 1853," as passed and took effect April 8, A. D. 1856, (S. & C., 1301); provided further, that the guardian of any minor, idiot or insane person may act for, and all his acts shall be binding upon his said ward.

SEC. 4. The viewers and surveyor or engineer shall make a report to the commissioners at their next regular session, showing the public necessity of the contemplated construction or improvement, the damages claimed and by whom,

Viewers and surveyor appointed.

County auditor to publish notice of meeting and kind of improvement asked for.

Duties of viewers and appraisers.

Damages—how assessed and determined.

4 Curwen, 2772.

Viewers and appraisers must make report to county commissioners.

and the amount assessed to each claimant, and an estimate of the expense of said improvement, and the lots and lands which will be benefited thereby and ought to be assessed for the expense of the same; provided, that no lands shall be so assessed which do not lie within two miles of the contemplated improvement.

Commissioners may order improvement to be made;

—and appoint a competent engineer.

SEC. 5. Upon the return of the report mentioned in the last section, the commissioners may, if in their opinion public utility requires it, enter upon their records an order that the improvement be made, which order shall state the kind of improvement to be made, and the width and extent of the same, and the lands which shall be assessed for the expense of the same, and they shall thereupon appoint a competent engineer to superintend the performance and completion of said work, who shall, with the approval of the county commissioners, make a contract for the performance of the work, and the contractor may at once enter upon the performance of said work under the superintendence of the engineer appointed as aforesaid; provided, that said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give such reasonable security for the proper performance of his contract within the time and manner described, as the county commissioners may deem expedient.

Disinterested free holders to make apportionment;

—and report to county auditor.

Auditor to give notice.

Meeting of commissioners to hear exceptions;

—and confirm or change report.

SEC. 6. The commissioners, when any such improvement shall be ordered, shall immediately appoint three disinterested freeholders of the county, who shall, upon actual view of the premises, apportion the estimated expense of said improvement upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom, and report the same to the county auditor, and in making said apportionment, they shall take into consideration any benefit which will accrue to any land or lands by reason of drainage resulting from the making of said improvement. When the report of said committee shall be returned, the county auditor shall give notice of it by publication in some newspaper published and of general circulation in said county, and shall also give notice for at least three consecutive weeks of the time when the commissioners will meet at the county auditor's office to hear the same. On the day named in said notice, the commissioners shall meet, and if no exceptions have been filed to said report, they shall confirm the same, but if exceptions in writing have been filed by any of the owners of the lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of said commissioners shall be authorized to administer oaths to witnesses. After such hearing they may either confirm said report or change the same, or refer the same to a new committee of three disinterested freeholders. In case last named of a reference, the new committee shall, upon actual view of the premises, make their report of a new apportionment, or they may recommend the confirmation of the former report, and upon the return of their report to the county auditor, the same proceedings shall be had as upon

return of the first report, except that there shall not again be a re-reference to another committee. The final action of the commissioners shall be entered upon their records, together with the report as confirmed showing how the said estimated expense has been apportioned upon the lands ordered to be assessed as aforesaid. After the work shall have been completed, the county auditor, before placing the said assessment upon the duplicate, shall add to or deduct from said estimate pro-rata the amount that the actual expense shall be found to be more or less than the said estimate. The said assessments on lands, under the provisions of this act, shall be placed upon a special duplicate, to be provided by the county auditor, at the expense of the county for that purpose; provided, that the costs and expenses of the preliminary survey, proceedings and report of said improvement, shall be paid out of the county treasury.

Assessment to be placed on special duplicate.

SEC. 7. That for the purpose of raising the money necessary to meet the expense of said improvement, the commissioners of the county are hereby authorized to issue the bonds of the county, payable in installments, or at intervals not exceeding in all the period of five years, bearing interest at the rate not to exceed seven per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value; and the said assessment shall be divided in such manner as to meet the payment of principal and interest of said bonds, and so be placed upon the duplicate for taxation against the lands assessed, and collected in the same manner as other taxes, and when collected, the money arising therefrom shall be applied to no other purpose but the payment of said bonds and interest; provided, that no bonds shall be delivered, or money paid to any contractor, except upon estimate of work done as the same progresses or is completed; said road or improvement to be kept in repair as other state and county roads are.

Bonds may be issued to raise money to make improvement.

SEC. 8. The compensation of persons employed under this act shall be fixed by the county commissioners, and shall not exceed three dollars per day; provided, that the surveyor or engineer and the county auditor shall receive such compensation for their services as is now or may be fixed by law for the compensation of the county surveyor and county auditor respectively for like services in other cases.

Compensation.

SEC. 9 That when any road to be improved under and by virtue of this act, begins or terminates in a city or incorporated village, the corporate authorities of said city or village may, upon the recommendation of the county commissioners (if they deem the same expedient,) agree to pay in the bonds of said city or village, in the manner and proportions described in the seventh section of this act, in addition to any amount that may be assessed upon the real property of such village, by virtue of the provisions of this act, an amount not exceeding one-fifth of the entire cost of said road; provided, that the entire tax to be imposed for road purposes, by virtue of this section, shall not in any one year exceed five mills on the dollar of the taxable values of said city or village.

Roads terminating in cities or villages—how improved.

Continuing
roads into or
through ad-
joining coun-
ties.

SEC. 10. That when it may be desirable or expedient to continue any road contemplated under this act, into or through an adjoining county, the city council of any city of the first or second class may, upon the application and recommendation of the county commissioners of such county (if the council shall deem the same promotive of the general interests of said city), aid in the construction of said road to an extent not exceeding one-fifth of its cost, the payment of the same to be provided in the manner and proportions described in the seventh section of this act.

Subscrip-
tions and do-
nations.

Stone, gravel
or other ma-
terial—how
obtained.

SEC. 11. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction or improvement of said road; and the said commissioners shall have the power to contract for and purchase such stone, gravel, or other material as may be necessary for the construction and keeping in repair said road; and if the commissioners and the owners of such stone, gravel, or other material, cannot agree on a price demanded fair and reasonable, the commissioners may apply to the judge of the probate court of the county to appoint appraisers to assess the value of said stone, gravel or other material, and on the filing of such application, it shall be the duty of the probate judge of the county to appoint three disinterested freeholders, who, after being duly sworn to impartially assess the value of the said materials, or any part of the same, shall enter upon the premises of the owner or owners of said materials, and assess the value thereof; they shall also assess the damages that will accrue to the owner or owners of said material by the removing of the same through his premises; the appraisers shall within ten days after their appointment, return their award to the probate court; the judge of the probate court shall, in thirty days after the return of said award, on application of the commissioners, furnish them a copy of said award; thereupon said commissioners may enter upon the lands either enclosed or uninclosed, and remove such stone, gravel or other material as may be required to make a good road; provided, an appeal has not been taken from said award in thirty days, as provided in this section; provided further, that an appeal from the decision of the appraisers may be allowed to the court of common pleas, if taken in thirty days after the rendering of said award; and if the court of common pleas should render a judgment for not more than the appraisers allowance, the appellants shall pay all costs and damages.

Proceedings
under former
acts.

SEC. 12. That in all cases where a petition has been filed, and any proceedings had for any improvement of any road, by virtue of the provisions of an act entitled "an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road," passed April 5, A. D. 1866, or where any such proceedings are now pending in any county, the said commissioners shall, at any regular or called session, appoint three viewers to assess such damages as may have been, or may be, sustained and claimed by any

person or persons, by reason of such contemplated improvement, whereupon the like notice shall be given and like proceedings had as is provided for in the second and third sections of this act for the assessment of damages.

SEC. 13. That the act entitled "an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road," passed April 5, 1866, be and the same is hereby repealed; provided, that such repeal shall not affect or impair any right acquired or any liability incurred under the law so repealed; provided further, that the proceedings under this act, and the said act passed April 5, 1866, herein repealed, shall not be held to be void on account of any informality or irregularity in the form of the petition, or any informality appearing in the record of the proceedings of the county commissioners, or any other proceedings pertaining thereto; and the collection of the taxes and assessments ordered for the payment of such improvement under this act, or the said act herein repealed, shall not be enjoined, or held to be void, on account of any irregularity or defect in such proceedings as aforesaid.

Act repealed.

SEC. 14. This act shall take effect upon its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed March 29, 1867.

AN ACT

To authorize the incorporation of elevator companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons not less than five, associating themselves together as an elevator company, may become a body corporate under this act, and to that end shall, under their hands and seals, make a certificate, which shall specify as follows: *First*—The name assumed by such company or association, and by which it shall be known, and the kind of business authorized by this act, intended to be carried on. *Second*—The name of the county or place where the principal office of such company is situate. *Third*—The amount of capital stock, not to be less than fifty thousand dollars, and the amount of each share. Such certificate shall be acknowledged before a justice of the peace or other proper officer, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office; and a copy thereof, duly certified by the secretary of state, under the seal of the state of Ohio, shall be evidence of such incorporation.

How company formed.

SEC. 2. That when the foregoing provisions have been complied with, the persons named as corporators in said certifi-

When deemed a body corporate.

cate, are hereby authorized to carry into effect the objects of said incorporation, in accordance with the provisions of this act, and they and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate, with perpetual succession, with power to sue and be sued, to contract and to be contracted with, to make and use a common seal, and to do all needful acts to carry into effect the objects for which it was created.

Power to hold real estate, etc.

SEC. 3. Any company or association organized as aforesaid, shall have power to purchase and hold real and personal estate, to erect or purchase and own the necessary buildings, offices and machinery for the purpose of carrying on the business of receiving, storing, delivering and forwarding grain of all kinds, and may add to and connect with the same the business of general storage, warehousemen and forwarders of all kinds of produce and merchandise, but shall not, on their own account, nor for others, deal as buyers or sellers, and in the prosecution of the said business shall be governed by the same laws, not inconsistent with this act, which govern individuals in such employments.

Railroad companies may hold stock in elevator company.

SEC. 4. Where any elevator company, organized as aforesaid, shall erect or own any elevator building, and shall use the same for the purpose of receiving or delivering grain from or to any railroad company as freight carried or to be carried over its road, or any part thereof, it shall be lawful for such railroad company to subscribe to or purchase shares in the capital stock of the said elevator company, to an amount not exceeding one-third of the entire capital stock of said elevator company, in the name of its president or other officer, and hold the same as trustee, and shall be liable upon such stock, in its corporate capacity, to the same extent and in the same manner as in the case of a natural person.

Annual meeting of stockholders and election of directors.

SEC. 5. The annual meeting of the stockholders of such company, after the first election of directors, shall be held at such a time as the directors may prescribe, at which meeting the directors of the company shall be elected, and such other lawful business done as the stockholders may deem necessary and proper; and should they fail to elect directors at the annual meeting, they shall hold a special meeting for that purpose at some subsequent time, by giving ten days' notice personally, or by publication thereof in some newspaper in general circulation in the county where the principal office of such company is situated. The directors shall hold their office until their successors are chosen and qualified, and shall have power to fill all vacancies in their body, but no person shall be a director after ceasing to be a stockholder. The corporate power of the company shall be vested in and exercised by the board of directors, who shall be governed, however, by such by-laws, rules and regulations as may, from time to time, be adopted by the stockholders at any regular or special meeting called by the order of the directors, or upon the call of at least five of the stockholders, and of which ten days' notice shall be given, either personally or by

Power of directors.

By laws, rules and regulations.

publication, as aforesaid. The officers of the company shall consist of a president and secretary, to be elected by the directors, and such other officers and agents appointed by them as they deem necessary, at such compensation as the directors may fix, and may be required to give bond to the satisfaction of the directors for the faithful discharge of their duties. The number of directors shall be not less than five nor more than nine, as may be fixed by the stockholders. At every meeting of the stockholders each share of stock shall be entitled to one vote, and the decision of the majority of shares voted, either in person or by proxy, shall be binding. The directors shall cause a record to be kept of all corporate business transacted by them, or at the meeting of the stockholders, and shall declare and make such dividends of the profits of the company, not reducing the capital stock, as they shall deem expedient.

Officers of company.

Number of directors.

Record.

SEC. 6. The persons named in said certificate of incorporation, or a majority of them, shall be commissioners to open books for subscription to the capital stock of said company at such times and places as they shall deem proper, and said company are authorized to commence operating upon the subscription of fifty per cent. of said stock. An installment of twenty per cent. on each share of stock shall be paid at the time of making the subscription, and the residue thereof shall be paid in such installments, at such times and places and to such persons as may be required by the directors.

When company can commence business.

SEC. 7. Each stockholder shall be individually liable for all debts of the company in an amount equal to the amount of his subscription to the capital stock thereof, in addition thereto.

Liability of stockholders.

SEC. 8. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To provide for the establishing a line of wharfing and dockage in navigable waters in this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever it shall be deemed necessary by the authorities of any incorporated town or city of this state, situated upon the banks of any navigable stream, lake or reservoir with which any of the canals of this state are united, that a line of wharfing or dockage shall be established for the convenient and safe navigation of such stream, lake, or reservoir or canal, and for the convenient and safe receipt and discharge of the freight carried upon any vessel, teamboat, canal boat, or other water craft navigating the

Where lines may be established.

Application
to be made to
board of pub-
lic works.

same, the said authorities shall make application to the board of public works of this state, and present a plan of the banks of such stream, lake, or reservoir, and of the line of wharfing and dockage proposed to be established thereat.

Board to or-
der examina-
tion to be
made, &c.

SEC. 2. That upon such application being filed in the office of the board of public works, it shall be the duty of said board at their meeting next to be held after said application has been filed, to direct the resident engineer of the public works of the state to proceed, and in connection with such other engineer as may be appointed on the part of the authorities of such town or city, to make an examination of the proposed line of wharfing and dockage, and to report the same, with their recommendation thereon, to the said board of public works.

Board may
establish line

SEC. 3. The board of public works may, at their discretion, proceed, after having given ten days notice of their meeting in some newspaper of general circulation published in said city, to establish such line of wharfage at such place in said stream, lake or reservoir, as after full examination, they shall deem for the interest of the public navigating the same, and for the promotion of the commercial interest of such town or city, and make proper order therein, a certified copy of which shall be forthwith transmitted to the said authorities, by whom the same shall be properly recorded and preserved, and from thence said line of wharfing and dockage shall be maintained and enforced, by the authorities of such town or city; provided the expense of establishing, maintaining and enforcing shall be borne by such town or city.

Expense to
be paid by
town or city.

Penalty for
erecting
works out-
side of line,
or placing
obstructions
in water.

SEC. 4. That if any person or persons shall, after the order of the board of public works shall have been made and certified to the said authorities, erect in the stream, lake or reservoir, any work or structure of any kind outside of the said line of wharfing or dockage so established, or shall deposit any sand, clay or other substance in the bed of said stream, lake or reservoir, unless specially thereunto authorized by the board of public works, every person or persons so offending shall be liable to an indictment in the court of common pleas of the proper county, and upon conviction thereof, may be fined in any sum not exceeding one thousand dollars, or be imprisoned in the jail of the county for any time not exceeding thirty days, or both, at the discretion of the court; and, moreover, said parties so offending, shall cause to be removed all such deposit or obstruction; on their refusal or neglect to do so within sixty days after the same have been deposited or erected, the said city authorities shall cause the same to be removed at the expense of the parties so offending.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed March 29, 1867.

AN ACT

To amend section twenty-second of the act relating to common schools, passed April 4, 1866. (O. L., vol. 63, p. 95.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-two of the act entitled "an act to provide for the organization, supervision and maintenance of common schools," as amended April 4th, 1866, be amended so as to read as follows :

Section 22. It shall be the duty of the board of education of any organized township of the state annually to determine by estimate, as near as practicable, the entire amount of money necessary to be expended in the township for school and school-house purposes, including the sustaining of teachers in central or high schools, the prolonging of the terms of the several sub-district or primary schools, after the state funds have been exhausted, the erecting, repairing, or furnishing of school-houses, and any other school purposes, not exceeding five mills, as follows: Not exceeding two mills on the dollar of the taxable property of the township for school-house purposes, including erecting, enlarging, and repairing of school-houses, and purchase of sites, and not exceeding three mills on the dollar of the taxable property of the township for all other of the purposes aforesaid; and if any board of education shall in any one year fail or refuse to estimate and certify a levy or levies sufficient to provide for six months' tuition in their district, or to provide a suitable school-house in each sub-district, it shall be the duty of the county commissioners of the county within which such district is located, upon being advised and satisfied thereof, to estimate and cause said levies to be made and entered upon the tax duplicate the same as could have been done upon the estimate and certificate of such board; provided, that if in the opinion of the township board of education, a greater tax than the aforesaid two mills shall be necessary, during any year, for the purpose of purchasing sites or erecting school houses, or for both purposes, the board shall call a special meeting of the qualified voters of the school district over which they have jurisdiction, which meeting shall be called and held in the manner prescribed in the preceding section, and shall decide by vote the question whether such greater tax, or any other greater tax for said purposes, than the aforesaid two mills on the dollar, shall be raised. These several amounts of money so estimated or decided upon, the board shall make known by certificate in writing, on or before the first Monday in June, in such year, including any tax which may have been voted by a special meeting of electors, as provided in the preceding section, to the auditor of the proper county, who shall thereupon assess the entire amount of such estimates on all the taxable property of the township not included in any city or incorporated village, or territory annexed thereto forming any special district, to be entered by said auditor on the tax duplicate of the county, and collected by the county treasurer at the same time and in the same manner as state and county taxes are collected; and when collected, shall be paid over to

Estimate of
assessment
for school
purposes.

Allowance to
county treas-
urers.

the treasurer of the proper township, on the order of the county auditor; and said county treasurer shall be entitled to receive for collections one per cent. on all moneys by him collected for school purposes, and no more: Provided, that boards of education in cities, incorporated villages and special school districts, organized under any law of this state, shall have the power to levy taxes for school and school-house purposes, of six mills on the dollar per annum, and to call a special meeting of the qualified voters to decide the question whether a greater tax for school-house purposes than the aforesaid six mills shall be levied, as herein conferred upon boards of education in townships; and provided, further, that all boards of education provided for by law, shall have the power and they are hereby authorized, for the years one thousand eight hundred and sixty-seven and eight, to levy a supplementary tax in the manner aforesaid, not to exceed one mill on the dollar of the taxable property of the city, village or district, to pay any indebtedness already incurred for the support of the schools, where the former levies have proved insufficient to meet such necessary expenses, or for the purpose of repairing or erecting additional school buildings.

SEC. 2. That said section twenty-two be and the same is hereby repealed, and this act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed April 1, 1867.

AN ACT

To regulate and govern the Ohio Penitentiary.

Appointment
of directors;

—their term
of office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the government and management of the Ohio penitentiary, there shall be appointed by the governor, by and with the advice and consent of the senate, on or before the first day of April, A. D. 1867, three directors, one of whom shall hold his office until the first of February, 1868; one until the first of February, 1870; and one until the first of February 1872, and until their successors are appointed and qualified. And in the month of January, 1868, and in the same month biennially thereafter, he shall appoint, by and with the like advice and consent, one director, who shall hold his office for the period of six years, and until his successor is appointed and qualified. Each director, before he enters upon the duties of his office, shall take and subscribe an oath of office, which shall be endorsed on his commission.

Meetings of
directors.

SEC. 2. Said directors shall, at their first meeting after the taking effect of this act, at their meeting in February, 1868, and biennially at their meeting in February thereafter, elect one of their number president of the board.

SEC. 3. A majority of the board shall constitute a quorum for the transaction of business, and no order of the board shall be valid unless it is entered on its journal and is concurred in by two members.

SEC. 4. It shall be the duty of the directors—

1st. To prescribe rules and regulations for the government of the prison, specifying the duties of all its officers, and to revise and change the same, from time to time, as circumstances may require. At least two of said directors shall visit the prison in company, on the first Tuesday of each month, and examine all the different apartments, and audit all claims against it. The directors shall order an inspection of the prison by one of their number, at least once in each month, between the monthly meetings.

General duties of directors.

2d. All of the directors shall meet at the penitentiary on the first Tuesday of February, May, August and November, and in addition to the duties above prescribed, examine the books and accounts of the clerk and steward.

3d. To enter on their journal the result of all examinations, whether by a full board or a portion thereof, and all other official acts, which shall be signed by the members present.

4th. On or before the fifteenth of November in each year, to report to the governor the condition of the prison, together with a detailed statement of its receipts and expenditures, and such suggestions as its interests may require.

SEC. 5. The directors shall appoint a warden, who shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office, and enter into a bond to the state of Ohio in the sum of ten thousand dollars, with two good and sufficient freehold sureties, to be approved by the directors and the attorney general of the State, conditioned for the faithful performance of the duties which may devolve upon him as such officer, and shall hold his office for the period of two years from and after the first day of April next after his appointment, unless sooner removed by the directors.

Appointment of warden ;

SEC. 6. The warden shall reside in the penitentiary in apartments to be assigned to him by the directors, and to be furnished at the expense of the state in a plain and substantial manner, under the direction and supervision of the directors ; and it shall be his duty—

—his residence ;

1st. To carefully supervise the government, discipline and police of the prison.

—his general duties.

2d. To give all necessary directions to the inferior officers and guards, and secure a careful and diligent discharge of their several duties.

3d. To examine daily into the state of the prison, and the health, condition and safety of the convicts.

4th. To report to the directors, at each quarterly meeting, the number of guards employed, their names and duties, and such other matters as may be required.

5th. And generally to have charge of all the departments of the prison and its officers as its executive head.

SEC. 7. The board shall appoint a clerk, a steward, a physician, a chaplain, and when the business requires it, an as-

Board to appoint clerk, steward, physician, and chaplain.

Warden to appoint deputy warden, matron and guards.

Bond of deputy warden and clerks;

—of superintendents and night watch;

—of guards.

Duties of clerk.

Duties of deputy warden.

Duties of steward.

No contractor can be appointed as officer.

sistant clerk. And the warden, by and with the advice and consent of the board, shall appoint a deputy warden and matron; and the warden shall appoint superintendents of the kitchen and state shops and hospital, a captain of the night watch, and as many guards as may be necessary, subject to the right of the board, at any time, to order the number increased or diminished. All persons so appointed shall take an oath of office, and, except the matron, enter into a bond to the state, with sureties to the satisfaction of the board, that they will faithfully discharge the duties which may devolve upon them; the deputy warden and clerk in the sum of three thousand dollars each, the steward in the sum of five thousand dollars, the assistant clerk in the sum of one thousand dollars, the superintendents and captain of the night watch each in the sum of six hundred dollars; and the guards each in the sum of five hundred dollars. Each of said persons shall discharge the duties pertaining to his position, under the direction of the warden, and in pursuance of the rules and regulations of the board and of this act.

SEC. 8. The clerk shall keep the accounts of the prison in such a manner as to exhibit clearly all the financial transactions relating to it. He shall also keep a register of convicts, in which shall be entered the name of each convict, the crime of which he is convicted, the date of his conviction, period of sentence, from what county, by what court sentenced, his nativity, an accurate description of his person, and, if known, whether he has been previously confined in a penitentiary in this or any other state, and when and how he is discharged. The clerk shall also act as the secretary of the board.

SEC. 9. In addition to the duties which may be prescribed by the board, the deputy warden shall, in the absence or disability of the warden, or in case of his death, resignation or removal, discharge all the duties of that officer.

SEC. 10. The steward shall purchase all the forage, fuel and lights, and all supplies for the kitchen and hospital, and all articles for manufacturing and repairs in the state shops, and make all sales for the penitentiary, under the written orders and direction of the warden, and subject to such rules and regulations as the board may prescribe. He shall file and preserve all such orders and directions, and keep a full and accurate account of all purchases and sales made by him, in books to be furnished for that purpose, and which shall be open at all times to the inspection of the warden or the board, or any member thereof. All other articles and supplies shall be purchased by order and under the direction of the board.

SEC. 11. A director shall not be appointed to any other office under this law during the period for which he was appointed such director.

SEC. 12. No person shall be appointed to any office or be employed in the penitentiary on behalf of the state, who is a contractor or the agent or employee of a contractor, or who is interested directly or indirectly in any business carried on therein. And should any officer or employee become such con-

tractor, his agent or employee, or interested in such business, it shall be cause for his removal. And no person who is not a citizen of Ohio, shall be appointed by the warden, a guard or superintendent of a shop or kitchen, or captain of the night watch, who is less than twenty-one years of age; nor shall any person be appointed to office or employed by virtue of this act who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge.

Who may be appointed as guards.

SEC. 13. Any officer appointed by the warden and board of directors, or by the latter, may be removed for delinquency in the discharge of his duty, misconduct in office, or any other cause which materially affects his usefulness or fidelity; and any officer or employee appointed by the warden may be suspended for either of the same causes. In all cases of removal or suspension, the cause thereof shall be fully stated in writing. If it is an officer appointed or approved by the board, it shall be entered at large on their journal; and if it is a suspension by the warden, it shall be presented to their board at their next meeting thereafter, and if the suspension is approved, the officer or employee shall be discharged, and if not, he shall be reinstated, and in the latter case the board may, in their discretion, order that he shall receive his pay during the time of such suspension.

Removals and suspensions.

SEC. 14. If the office of director shall become vacated by death or resignation, or other cause, the vacancy shall be filled for the unexpired term by the governor, subject to the approval of the senate, if in session, and if it is not, subject to its approval at its first session thereafter. If any office becomes vacated in any manner which is filled by the warden and directors, or either of them, the vacancy shall be filled in the same manner as appointments are made.

When offices become vacant, how filled.

SEC. 15. The officers and employees shall receive the following compensation, to wit: The directors, in addition to their necessary traveling expenses, shall be paid the sum of five dollars per day for the time necessarily employed in the discharge of their official duties; the warden, two thousand dollars each year; the deputy warden, eighteen hundred dollars each year; the clerk, fifteen hundred dollars each year; the assistant clerk, in the discretion of the board, not exceeding one thousand dollars each year; the matron, eight hundred dollars each year; the steward, fifteen hundred dollars each year; the physician, eight hundred dollars each year; the chaplain, fifteen hundred dollars each year; the superintendents of the kitchen, state shops and hospital, seventy-five dollars each per calendar month; the captain of the night-watch, seventy-five dollars each calendar month; the male guards, sixty-five dollars, and the female guards, forty-five dollars per calendar month. The directors shall be paid quarterly, and the other officers and employees monthly, out of the treasury of the state, on the warrant of the auditor.

Compensation of officers and employees.

SEC. 16. No money shall be drawn from the treasury except upon accounts duly certified by the warden and approved by two directors. A triplicate of every such account shall be filed with the clerk.

How money drawn from treasury.

All money from sales by steward to be paid to warden.

SEC. 17. No money shall be paid to the steward for or on account of any claim due the penitentiary for sales made by him, or other acts of his. All money so due shall be paid to the warden. Duplicate accounts shall be made out by the steward, one to be retained by him, and the other certified to the warden. When the amount is paid to the warden, he shall receipt the account, and it shall be properly entered on the books by the clerk, and payment to the warden shall alone discharge such liability.

Visitors.

SEC. 18. Visitors may be charged a reasonable sum for going through the prison, which sum shall be prescribed by the board. The warden shall procure suitable tickets, which shall be sold by the clerk, who shall keep an account of such sales, and pay over the money to the warden, daily. The guard at the door of the guard-room shall receive the tickets and also keep an account of them in a book as they are received, and return them to the clerk each day before the prison is closed.

SEC. 19. All other revenues, except as herein otherwise provided, shall be paid to the warden.

Warden must report cash account monthly to board.

SEC. 20. The warden shall balance his cash account each month, and report the same to the board, if in session, or at their first meeting thereafter, and on the fifth week-day of each month pay into the treasury so much as is, in the opinion of the board, not required for the current use of the penitentiary.

Letting and hiring convict labor.

SEC. 21. In order to provide for hard labor by each convict according to his sentence, the directors are hereby authorized and required to let and hire the labor of the convicts upon such branches of business, and for the manufacture of such articles as, in their judgment, will best accomplish that end and subserve the interests of the state, which letting and hiring shall be as follows:

Publication of letting.

1. The letting shall be advertised by the warden in two of the newspapers* published in Columbus, and one in each of the cities of Cleveland and Cincinnati, once a week for at least four weeks, and by such further notice as the board may direct. The advertisement shall specify the number of men to be let, the length of time, which shall not exceed five years, and the last day on which bids will be received.

2. The board may, in their discretion, designate what articles or class of articles shall be manufactured.

Manner of bidding.

3. Each bidder may separately state in his bid what he will give for the labor bid for, with and without the exclusive right to manufacture the articles specified.

4. Each bid shall specify each article proposed to be manufactured, and the number of square feet of shop room which will be required.

5. Each bid shall be unconditional.

6. The price per day for each convict shall be specified, and if a different price per day is stated for different periods, each period and its price must be so stated, that one may be accepted and the others rejected; provided, that no bid shall be received, nor any contract made, nor shall the labor of

said convicts be temporarily hired, at a less rate than seventy cents per day.

7. If the person bidding desires to manufacture different classes of articles, the labor to be employed on each class must be bid for separately.

8. Each bid shall be accompanied by a bond, with sureties to the satisfaction of the board, that the bidder will comply with the terms of his bid, if it is accepted, and sealed up and addressed to the warden.

Bids must be accompanied with bond.

9. The bids shall be opened by the board at their next meeting, whether monthly or quarterly, after the last day specified for receiving bids, and the labor shall be awarded to the highest bidder or bidders, subject to the following regulations:

When bids to be opened.

a. As between bids which are for substantially the same price, the board may, in its discretion, give a preference to the one which, in their judgment, will best promote the interests of the state.

Manner of making awards.

b. As between bids by the same party, one with and the other without the exclusive right to manufacture, the board may accept either.

c. The board may reject all the bids, if they are for less than a fair and reasonable price for the labor bid for, and the board shall not be required, in any case, to apportion the labor advertised among the bidders, or any number of them.

d. Any bid may be rejected, if it is against the interest of the state or the welfare of the convicts, that the articles specified should be manufactured in the prison.

10. When a bid is accepted and labor awarded to the bidder, the directors, on the part of the state, and the bidder, shall enter into a contract in pursuance of the bid; and such bidder shall also procure a bond, to be executed to the satisfaction of the board, conditioned for the faithful performance of the contract on his part, a blank form of which contract and bond shall be deposited and remain with the clerk for inspection during the time of the advertisement.

11. The board may give to a bidder, after he shall have entered into a contract, a reasonable time to procure machinery and make preparations for manufacturing, not exceeding sixty days from the acceptance of the bid.

12. If a contract is made for the exclusive right of manufacturing the articles therein named, all contracts made subsequently by the same party, and within the same period, and for the manufacture of the same articles, or any of them, shall terminate at the same time with the first contract.

13. If any contractor shall not manufacture one or more articles specified in his contract, the board may give him three months' notice to manufacture them, and on failure by the contractor to do so within that period, the right to manufacture them shall cease and determine.

SEC. 22. The convicts shall labor for the contractors an average of ten hours a day during the year, Sundays excepted.

SEC. 23. On or before the fifth week-day of each month the clerk shall make out, and the warden certify and deliver

Payments by
contractors.

to the auditor of state, a statement of the amount due from each contractor for the preceding calendar month, and within five days thereafter each contractor shall, in the ordinary mode prescribed by law, pay the amount due into the treasury; provided, a credit of three months may, at the discretion of the board, be allowed to the several contractors; and provided, further, that within the time aforesaid, in the month of November in each year, payment in full for the previous year shall be made.

SEC. 24. It shall be the duty of the board to keep as many men constantly employed on contracts as the interests of the state will permit.

SEC. 25. All convicts not employed on contracts may be employed by the directors and warden in the performance of work for the state or temporarily hired, which hiring shall terminate whenever their labor is required on any contract.

Convicts em-
ployed to
manufacture
articles for
prison.

SEC. 26. The warden, under the direction of the board, may employ a portion of the convicts in the manufacture and repair of any articles used by the state in carrying on the penitentiary. He may also procure machinery and prepare shop-room for that purpose, and employ such persons as may be necessary to instruct the convicts in such manufacture. If such persons are employed, the terms of employment shall be fixed and determined by the board.

No one allow-
ed to board
in the insti-
tution.

SEC. 27. A sufficient number of convicts may be hired by the warden for domestics, on terms to be agreed upon by him and the board; but no superintendent of the kitchen, state shops, captain of the watch, or male guard, shall board in the institution. In the discretion of the board, the matron and female guards may be permitted to board themselves in the female prison apartment. No officer shall be required to board in the institution except the warden. The board shall provide for the lodging of such a number of guards as may by them be required to remain at the prison during the night.

SEC. 28. No work, labor or service shall be performed by a convict within the penitentiary except as herein provided for, unless it is expressly authorized by the board.

SEC. 29. In the treatment of prisoners, the following general rules shall be observed:

Rules regula-
ting treat-
ment of pris-
oners.

1. Each convict shall be provided with a straw bed and sufficient covering, with garments of coarse material, and with sufficient plain and wholesome food, and such variety as may be most conducive to health.

2. If any prisoner is sentenced to solitary confinement, the sentence shall be executed, subject to the right of the board to modify it so far as may be necessary to prevent any serious injury to health. No unnecessary labor shall be required of any convict on Sunday.

4. No punishment shall be inflicted except by the order and under the direction of the warden or deputy warden.

5. All money in the possession of a prisoner, when he is delivered at the penitentiary, shall be properly entered on the clerk's books, and if not otherwise disposed of by the pris-

oner, shall be deposited in the treasury by the warden, with other funds in his hands.

6. The rules and regulations prescribing the duties and obligations of the prisoner, shall be printed and hung up in each cell and shop.

7. Each convict, when he leaves the penitentiary, shall be supplied with a suit of citizen's clothes, with the money taken from him when he entered, and which has not been disposed of by his order, and what he may have earned by good behavior and diligent labor. Before discharging any convict who may be insane or lunatic, at the time of the expiration of his sentence, the warden shall first give notice in writing to the probate judge of the county from which such convict was sent, of the fact of such insanity or lunacy, whereupon, said judge shall forthwith issue his warrant to the sheriff of such county, commanding him to remove such insane or lunatic convict and return him to said county. Upon the receipt of such warrant, it shall be the duty of said sheriff to whom it is directed, to execute the same forthwith, and return the same to the probate judge by whom it was issued, and thereupon, the said probate judge shall immediately order such insane or lunatic person to be confined and provided for as directed by the 25th section of an act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 7th, 1856, and the sheriff shall receive the same compensation as for transferring a prisoner to the penitentiary, and the auditor of the county shall draw an order upon the county treasurer for the amount.

SEC. 30. In order that good behavior may be properly rewarded, it shall be the duty of the board to provide in its rules and regulations, for a correct daily record of the conduct of each prisoner, and his fidelity and diligence in the performance of his work: and each one who is sentenced for a definite time, shall be entitled to diminish the period of his sentence, and receive a portion of his earnings and to citizenship, under the following rules and regulations:

Rewards for
good behav-
ior, &c.

1. For each calendar month, commencing on the first day of the month next after his arrival at the penitentiary, during which he shall not be guilty of a violation of the discipline or any of the rules of the prison, and shall labor with diligence and fidelity; he shall be allowed a deduction of five days from the period of his sentence and a portion of his earnings, not exceeding one-tenth of the average price of convict labor.

2. For every violation of the rules and discipline, or the want of fidelity and care in the performance of work, the convict shall not only forfeit all gained time and earnings for the month in which the delinquency occurs, but according to the aggravated nature or frequency of his offenses, the board may deduct a portion or all of his previously earned time and money, or either of them.

3. If a convict shall pass the entire period of his sentence

without any violation of the rules and discipline, he shall be entitled to a certificate thereof from the warden, and on presenting it to the governor, he shall be restored to citizenship.

4. If he is prevented from labor by sickness or other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to two and a half days' deduction from his sentence each month.

5. If he is unable to earn anything by reason of sickness or infirmity during his confinement, and his conduct has been good, the board may allow him a sum sufficient to defray his expenses to the county where he was convicted.

6. Each convict who performs labor, but not on a contract, and whose conduct and fidelity entitle him to it, shall be allowed a sum in lieu of earnings which shall not exceed one-tenth of the average contract price in the prison.

United States
prisoners.

SEC. 31. All criminals sentenced to the penitentiary by the authority of the United States, shall be received and kept according to the sentence of the court by which they were tried, and the prisoners so confined shall be subject, in all respects, to the same discipline and treatment as though committed under the laws of this state. The warden is hereby authorized to charge and receive from the United States for the use of the state, for each prisoner, forty cents a day for board, the cost of all clothing which may be furnished, and one dollar a month for the use of the prison, and if additional guards are required, the compensation of such guards; and no other or further charge shall be made by any officer for or on account of such prisoners.

Prohibitions
and penalties.

SEC. 32. No officer or employee shall receive, directly or indirectly, any other compensation for his services than that herein prescribed, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor or agent, or employee of a contractor. For every violation of this section, the officer, agent or employee of the state engaged therein, shall be dismissed from his office or service, and every contractor or employee, or agent of a contractor engaged therein, shall be expelled from the penitentiary, and not again permitted within it as a contractor, agent or employee.

SEC. 33. No officer or employee of the state, or contractor or employee of a contractor, shall make any gift or present to a convict, or receive any from a convict, or have any barter or dealings with a convict; and for every violation of this section, the party engaged therein, shall incur the same penalty as is prescribed in section thirty-two.

SEC. 34. No officer or employee of the penitentiary shall be interested, directly or indirectly, in any contract or purchase made, or authorized to be made, by the steward, nor shall the steward make any purchases or sales for, or in behalf of the penitentiary in connection with any other party or interest whatever.

Cost bills,
how settled.

SEC. 35. Every cost bill shall be presented to the warden when the prisoner is delivered at the penitentiary. The war-

den shall certify on it that the prisoner has been received, and the bill shall then be audited at the state auditor's office, and paid as other claims against the state; and it is hereby made the duty of the auditor before drawing his warrant on the treasury for the payment of said cost bill, to correct any errors therein, as to form, items, or amount.

SEC. 36. All the bonds of officers and employees under this act shall be deposited with the treasurer of state.

SEC. 37. If any of the shops or buildings in which the convicts are employed are destroyed or injured by fire, they may be rebuilt or repaired immediately under the direction of the board, and the expense thereof paid out of any funds in the state treasury, not otherwise appropriated by law.

Buildings destroyed by fire may be rebuilt.

SEC. 38. The directors and present contractors, or any of them, may, by agreement, conform the present contracts in any respect to the provisions of this act. And the directors may permit any bids now pending before them to be so amended or altered as to conform in any respect to the provisions of this act, and may accept or reject them, according to the provisions hereof.

SEC. 39. The present officers of the penitentiary shall hold their offices until their successors are appointed and qualified.

SEC. 40. The act providing for the appointment and more thorough accountability of the officers of the Ohio penitentiary, fixing their compensation, prescribing their duties and determining the manner of working the convicts, and repealing certain acts and parts of acts herein named, passed March 24, 1863, also an act amending section sixth of the above recited act, passed March 25, 1864; also an act amending sections eight, thirteen and twenty-seven of said act of March 24, 1863, passed April 13, 1865, be and the same are hereby repealed; provided, that all crimes and offenses which have been committed in violation of said act of March 24, 1863, and the acts amendatory thereof, shall be prosecuted and punished the same as if the said acts had not been repealed.

Acts repealed.

SEC. 41. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed April 1, 1867.

AN ACT

To amend an act passed April 6th, 1866, entitled "an act supplementary to an act to establish a code of civil procedure," passed March 11th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section first of an act passed April 6th, 1866, entitled "an act supplementary to an act to establish a code of civil procedure," passed March 11th, 1853, be so amended as to read as follows:

Section 1. That in any county containing cities of the first

at any time between the 15th day of April and the first day of September, to catch, kill or injure, or pursue with such intent, any wild goose, wild duck, teal, or other wild duck; or to purchase or have in his possession, or expose to sale, any of the birds or game mentioned in this act, so caught or killed during the season when the catching, killing, injuring or destroying the same is hereby prohibited.

SEC. 3. That sections one and two of an act entitled "an act for the protection of certain birds and game," passed March 16th, 1865, be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 3, 1867.

AN ACT

For the protection of certain grave yards and burial grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the title, right of possession and control, to and in and of all public graveyards and burial grounds located within incorporated cities, towns and villages, which have, in fact, been set apart by the owners and dedicated as graveyards and burial grounds, for the use and benefit of the public, and used as such by the public, but which have not been dedicated according to the forms and requirements of law, except such as may be under the care and supervision of any incorporated company, benevolent or religious association, be and the same are hereby vested in the cities, towns and villages respectively, where any such graveyards and burial grounds may be located; and the councils of such cities, towns and villages, are hereby authorized and required to take possession, control and charge of all such grounds within their respective limits, and protect and preserve the same; and make such ordinances, sales and regulations as may be necessary and proper for said purposes, and consistent with the health and welfare of the inhabitants; and they are also authorized and required, when necessary, to institute suits in the names of said municipal corporations, to recover possession of said graveyards and burial grounds, remove trespassers therefrom and recover damages for injuries thereto for any part thereof, or to any tomb or monument therein.

Councils to take possession and control certain cemeteries.

SEC. 2. That when such public graveyards and burial grounds as are described in the foregoing section shall be located without the corporate limits of any city, town or village, then the same and the title thereto, and the right to the possession and control thereof shall severally be vested in the trustees of the township where each may be located,

When title vested in township trustees.

except such as may be under the care and supervision of any incorporated company, benevolent or religious association; and it shall be the duty of said trustees to provide for the protection and preservation of such grounds, and they are hereby authorized and required to institute suits to recover possession thereof and to remove trespassers therefrom, and recover damages for injuries thereto or to any part thereof, or any tomb or monument therein; and said councils and trustees shall have the power to enclose said burying grounds with a substantial fence, and to cause a tax of not to exceed one-half mill on the dollar to be levied on the taxable property of the township, city or village in which such burying place may be situate.

Powers of trustees and councils.

SEC. 3. That the act entitled "an act to place public burying grounds under the charge of township trustees in certain cases, and to authorize the levying of taxes to inclose the same," is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

Supplementary to "an act to regulate the sale of real estate by religious societies," passed March 24, 1860. (S. & C. 372.)

4 Curwen.
3441.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any religious society or societies, or religious corporation or corporations, shall hold any land or lands within the limits of any incorporated village or city, which shall have been used as a cemetery, and in which interments shall have been prohibited by the ordinances of such municipal corporation, it shall be lawful for the trustees, wardens and vestry or other officers intrusted with the management of the property of such society or corporation, to apply to the judge of the court of common pleas of the county where such cemetery may be situated, for an order to sell the same, and if it shall be made to appear to such judge that such cemetery is as above described, he may order the same to be sold and to direct the application of the moneys arising therefrom to such uses of such society or corporation for pious or educational purposes, as the said trustees, wardens and vestry, or other officers, as aforesaid, shall conceive to be most for the interest of the society or societies to which the cemetery so sold did belong; provided, that such sale shall not be made until the rights of persons owning burial privileges in said property shall have been relinquished and

When and how religious associations may sell cemetery grounds in cities or towns.

the bodies theretofore interred therein, shall have been removed to other cemeteries.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To authorize the councils of incorporated villages of over two thousand inhabitants to locate and construct local sewers.

Local sewers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village having two thousand inhabitants and upward, may establish by ordinance, branch or local sewers upon any street therein (whereon a main sewer is not established or built), which local sewer shall connect with a main sewer in the sewer district wherein the same is situated.

Estimate of
cost and ex-
pense.

SEC. 2. After any local sewer shall have been so established, said council shall direct the engineer of said village to make out an estimate of the costs and expenses of constructing said sewer, and report the same to said council.

Assessment—
how and by
whom made.

SEC. 3. Upon the receipt of said report, said council shall provide for the assessment of said costs and expenses so estimated upon the lots and lands fronting on the street or streets whereon said sewer may be established as aforesaid, by the feet front or in proportion to benefits; and in case they determine to make an assessment according to benefits, they shall appoint three judicious freeholders, who shall assess the estimated costs and expenses of such sewer on all the lots and lands fronting on the street or streets whereon the same may be established according to the relative benefits such lots and lands may receive by reason of the building of said sewer. Said assessors shall make report in writing, specifying the amounts assessed by them upon each lot or parcel of land for the construction of such local sewer, and file the same with the clerk of said village within such time as said council shall direct. After the report is filed, the council shall cause not less than ten days notice to be given in the official paper of said village of the object of said assessment, and that the same will come before the council for confirmation at a time to be specified in such notice. Objections to the assessments shall be in writing and filed with the clerk, and objections may be heard before the council at the time specified in said notice. The council may set aside such assessments on their own motion, or they may, after hearing objections, confirm the same. If the council set the first or any other assessment aside, they may appoint other assessors of the same qualifications as hereinbefore provided, ~~and~~

Council may
set assess-
ment aside;

new assessments to be made, and the proceedings shall be the same as is provided for in the first assessment. After making any assessment for local sewerage according to feet front, or after the confirmation of any assessment therefor made according to benefits, said assessments shall be liens on such lots and lands, and said council may direct the treasurer of said village to proceed to collect said assessments on or before a time specified, and whatever thereof may not be paid by said time shall be certified by the clerk of said village to the auditor of the county in which the same is situated, and by him placed on the county duplicate, together with a penalty of the per centum, and collected as are other taxes, or said council may cause said assessments made as aforesaid, to be certified directly to said auditor, and by him placed on the duplicate of said county and collected as are other taxes; and all assessments placed on the duplicate as aforesaid, shall be subject to the same penalties as are state and county taxes.

—and cause new assessment to be made.

Assessment shall be a lien on lots.

SEC. 4. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To amend "an act regulating descents and the distribution of personal estates," passed March 14, 1853.

3 Curwen,
2273.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifteen of the act above named be amended so as to read as follows:

Section 15. Bastards shall be capable of inheriting or transmitting inheritance from and to the mother, and from and to those from whom she may inherit, or to whom she may transmit inheritance, in like manner as if born in lawful wedlock.

Inheritance
by bastards.

SEC. 2. That said original section fifteen of the act above named be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

3 Curwen,
1835.

Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Board of city
improve-
ments.

—their pow-
ers and du-
ties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class shall have power to appoint, not exceeding three commissioners, who shall hold their office not more than two years, and who, with the mayor of said city and the city civil engineer, shall constitute the board of city improvements, and receive such compensation for their services as the city council may determine. It shall be the duty of the board of city improvements to superintend the cleaning and improvement of the streets, lanes, alleys, market spaces, commons, bridges and public buildings of the city, and they shall exercise such powers and perform such duties in the superintendence and construction of public works and improvements constructed by authority of the city council or owned by the city, and perform such other duties relating to the public improvements and the enforcement of ordinances relating to the streets of said city, as the city council may from time to time prescribe and require.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

Defining the jurisdiction of the probate court of Holmes county, in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the fourteenth section of an act entitled "an act defining the jurisdiction of probate courts in criminal cases in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana," passed April 14, 1859, be and the same are hereby extended to the county of Holmes.

SEC. 2. This act to take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To amend an act entitled "an act to empower trustees of townships to levy taxes to provide for graveling roads leading to cemeteries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to empower trustees of townships to levy taxes to provide for graveling roads leading to cemeteries," passed March 13, 1865, be so amended as to read as follows :

Section 1. That the trustees of any township within the state of Ohio, in which there is now or may hereafter be located any cemetery, when it shall become necessary to make or repair roads, or build or improve sidewalks, from any public road or from any town or village to such cemetery, are hereby authorized and empowered to borrow money and issue bonds not exceeding fifteen hundred dollars, and at a rate of interest not exceeding six per cent. per annum, for the purpose of making, repairing or building such roads or walks from such public highway, or town or village to such cemetery.

Trustees may borrow money and issue bonds.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 3, 1867.

AN ACT

To protect sidewalks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any person or persons, agricultural or religious society, to appropriate on either side of any public road or highway of legal width, sufficient land and construct thereon a public sidewalk, not exceeding six feet in width ; provided, that such sidewalks shall not in any manner obstruct any private entrance or public highway.

SEC. 2. That it shall be unlawful for any person to set up, to let or use for profit, any table, stand, tent, wagon or other vehicle, on any public sidewalk so appropriated and used, or ride or drive or hitch thereon any horse or other animal or team, to the injury of said sidewalk or any person passing thereon, or to dig up or remove any of the material of which said sidewalk was constructed or is composed.

Unlawful to injure sidewalk.

SEC. 3. That if any person shall violate any of the provisions of this act, he shall, on conviction thereof, be fined in any sum not less than one nor more than twenty-five dollars, or be imprisoned in the jail of the county not exceeding ten days, at the discretion of the court, and moreover, be liable in damages to the party injured.

Penalty.

SEC. 4. That the act entitled "an act to protect sidewalks

not within the corporate limits of any city, town or village," passed April 2, 1858, (S. & C., p. 1552) be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To amend section one of an act entitled "an act supplementary to an act to provide for the organization of cities and incorporated villages," passed April 12, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act of April 12, 1865, be amended so as to read as follows :

Council may
lease, sell or
convey prop-
erty belong-
ing to city.

Section 1. That the council of any city or incorporated village of this state may, whenever in their judgment it may be expedient or necessary, lease, sell or convey, in such manner as may be provided by ordinance of said council, any real estate or buildings, acquired by purchase, construction or unconditional donation, belonging to said corporation, and the fund arising therefrom shall be paid into the city or village treasury, to the credit of the particular fund for which such property was originally acquired, if there be any such fund ; and if no such fund exist, then to the general fund of such city or village, to be appropriated to such purposes as said council may direct ; provided that no sale of school property shall be made by said council except on recommendation of the board of education of said village or city ; and of wharves, market spaces, parks or public grounds, except upon ordinance of the village council or upon recommendation of the board of city improvements ; and of property acquired for infirmary purposes, or house of refuge, on recommendation of directors of infirmary or house of refuge ; and of property acquired for purposes of water works, on recommendation of trustees of water works ; and, provided further, that no real estate or buildings thereon devoted to hospital purposes, or other like benevolent institutions, shall be sold or disposed of under any of the provisions of this act.

Exceptions.

SEC. 2. That said section one be and the same is hereby repealed ; provided that such repeal shall not affect any rights acquired under the same.

SEC. 3. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To amend the first section of the act entitled "an act relating to free turnpike roads," passed March 14, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above named act be so amended as to read as follows :

Section 1. That town councils of incorporated villages are hereby authorized to levy a tax to construct free turnpike roads or a part thereof in counties wherein such villages are situated, and terminating or running through said villages.

Council may
levy tax to
construct free
turnpikes.

SEC. 2. Section one of the above named act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To authorize trustees of townships to appropriate lands for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any township of this state are hereby authorized and empowered to select and appropriate any lands within the limits of said township, suitable for cemetery purposes, not exceeding ten acres, and said trustees of such township shall be governed in their proceedings in appropriating said lands, by the provisions of the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30th, 1852, and of all acts amendatory thereto; provided, that no land shall be appropriated under the provisions of this act, until the court shall be satisfied that suitable premises cannot be obtained by contract upon reasonable terms; and no lands shall be appropriated upon which there may be any dwelling house, barn, stable or other farm building, or upon which there shall be any orchard or nursery, or any valuable mineral or other medicinal spring, or any well actually yielding oil, or salt water, nor shall any land be appropriated within two hundred yards of any dwelling house.

Township
trustees may
appropriate
lands for
cemetery
purposes.

Proviso

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 3, 1867.

AN ACT

Making an appropriation for the Antietam national cemetery, near Sharpsburg, Maryland.

Appropriation for Antietam national cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of five thousand dollars is hereby appropriated, out of any unappropriated money in the treasury, to aid in the purchase and improvement of the grounds of the Antietam national cemetery, near Sharpsburg, Maryland, and for the removal of the remains of Ohio soldiers who fell and are buried in that vicinity, to said cemetery, and for their interment therein, and for plainly and durably marking their graves.

SEC. 2. The money hereby appropriated shall be paid and expended upon the order of the governor, and the whole or any part thereof may be paid by him if required for the purpose named in the first section of this act, to the treasurer of the board of trustees of the Antietam national cemetery.

Governor to appoint a trustee.

SEC. 3. The governor is hereby authorized to appoint a trustee to represent the interests of Ohio to said cemetery, whose actual expenses, incurred in the discharge of his duties, under the orders of the governor, may be paid out of the governor's contingent fund.

SEC. 4. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

Passed April 3, 1867.

President of the Senate.

AN ACT

To authorize cemetery associations and councils of incorporated villages to sell or incumber real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any cemetery association or the council of any incorporated village in this state, for the purpose of paying any indebtedness of such association, are hereby authorized to sell or mortgage such portion of the real estate belonging to said association as has not been used for burial purposes, or as may not be, in the opinion of said trustees, so needed, and the money arising from such sale or mortgage shall be applied by said trustees to the payment of such indebtedness, and to no other purpose, except upon such sale where there may be a surplus after the payment of such indebtedness; in such case such surplus money shall be used by said trustees in the improvement of such cemetery grounds, and for no other purpose.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

Passed April 5, 1867.

President of the Senate.

AN ACT

To provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed by the governor, by and with the advice and consent of the senate, within fifteen days after the passage of this act, a person to be styled the commissioner of railroads and telegraphs, who shall hold his office for the period of two years, and until his successor is appointed and qualified. The person who is so appointed shall be an elector of this state, and shall have no official connection with any railroad, nor during the term of his office own or be interested in the stock, bonds, or other property, or in the employ of any railroad. In case of vacancy by death, resignation, removal from the state or otherwise, the governor shall fill the vacancy and report the name of such appointee to the senate if in session, and if not, within ten days after the commencement of the next session, who, by the advice and consent of the senate, shall hold his office for the full term of two years, as hereinbefore provided, from the day of his appointment: provided, that if the governor shall at any time become satisfied that the commissioner is inefficient or derelict in the discharge of the duties of his office, or in any way uses the advantage of his position for personal ends, to the disadvantage of the public interest, he is hereby authorized and required, by and with the advice and consent of the senate, if it be in session, to remove the said commissioner from office; and if the senate be not in session, to suspend him from the discharge of the duties of said office, temporarily filling the vacancy as provided for in this section, and reporting the facts to the senate when in session.

SEC. 2. Before entering upon the discharge of the duties of his office, said commissioner shall take an oath or affirmation to support the constitution of the United States and of this state, and to faithfully and honestly discharge his duties as such commissioner, and that he is not an officer, stockholder, or employee of any railroad or in any way interested therein; or stockholder, officer, or employee of any express or freight company, doing business on any of the railroads of this state, or interested therein, or a stockholder, officer, or employee of any telegraph company operating in this state.

SEC. 3. He shall receive for his services four thousand dollars per annum, and be furnished with an office, office furniture and stationery, at the expense of the state. He shall have power to employ a clerk to perform such duties as may be assigned by him, to be paid out of the state treasury, at the rate of twelve hundred dollars per annum.

SEC. 4. Said railroad commissioner shall have the right of passing, in the performance of his duties, on all the railroads in this state, and upon all the trains, and any part thereof, free of charge.

SEC. 5. It shall be the duty of such commissioner, whenever it shall come to his knowledge, either upon complaint or otherwise, or he shall have reason to believe that any of the

How and when commissioner appointed.

Commissioner must not be connected with or interested in any railroad.

Vacancy—how filled.

When commissioner may be removed or suspended.

Oath.

Compensation, office, &c.

Commissioner to pass free over all railroads in this state.

To report violations of railroad laws.

officers, employees or agents of any railroad in this state are violating any of the laws of this state relating to railroads, to examine into all such violations; and if such complaint shall be found true, he shall report the same to the governor with his annual report, to be laid before the general assembly. In making such examination, he shall have power to issue subpoena for witnesses and administer oaths. He shall prosecute, or cause to be prosecuted, all violations of any of the laws relating to railroads.

Examination of defective tracks, bridges, and dangerous places.

SEC. 6. Whenever the commissioner shall have reasonable grounds to believe, either on complaint or otherwise, that any of the tracks, bridges, or other structures of any railroad in this state are in a condition which renders any of them dangerous, or unfit for the transportation of passengers with reasonable safety, it shall be his duty to inspect and examine the same; and if, on such examination, in his opinion any of such tracks, bridges, or other structures or works are unfit for the transportation of passengers with reasonable safety, it shall be his duty to give to the superintendent or other executive officer of the company working or operating said defective track, bridge, or other structure, notice of the condition thereof and of the repairs necessary to place the same in a reasonably safe condition; and may also order and direct the rate of speed of passing trains over such dangerous or defective track, bridge, or other structure until the said repairs are made and the time within which such repairs shall be made by the company; and if any superintendent or other executive officer aforesaid, receiving such notice and order, shall willfully neglect, for the period of two days after receiving such notice and order, to direct the proper subordinate officers of the company to run the passenger trains over such defective track, bridge, or other structure at the speed so prescribed by the commissioner; or if any engineer, conductor, or other employee of such company shall knowingly disobey such order, every such superintendent, officer, conductor, or employee, shall be deemed guilty of a misdemeanor, and on conviction thereof upon indictment, shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the jail of the county in which said indictment may be found, for a period not exceeding one year, or both, at the discretion of the court. And the commissioner shall have power to wholly stop the running of passenger trains over such defective track, bridge, or other structure. If said company shall neglect, or without reasonable cause, fail to make said repair within the time prescribed by said commissioner, such company, for each and every day that ensues thereafter, and until said repairs are made, shall forfeit and pay to the state the sum of one hundred dollars.

Company to be notified of defects.

Disobeying orders a misdemeanor.

When commissioner may stop trains.

All prosecutions to be in name of state of Ohio; —and all moneys collected to be paid into state treasury.

SEC. 7. All prosecutions against railroad companies, or any officer or employee thereof, for forfeitures, penalties or fines for the violation of any of the laws relating to said roads or telegraphs, shall be by action in the name of the state of Ohio, and all moneys arising from such suits shall be paid into the state treasury by the prosecuting attorney or commissioner collecting and receiving the same; and prosecuting

attorneys shall be entitled to receive from the state treasury, for their services under the provisions of this act, ten per cent. on all moneys by them collected and paid over.

SEC. 8. It shall be the duty of the prosecuting attorneys of the several counties within, into or through which any railroad is located and worked, upon the application of any persons claiming to be aggrieved by violation of the laws of the state, by the superintendents or other executive officer or employee of such road, whereby penalties have been incurred, upon a careful investigation, and being satisfied that said penalties have been incurred, or upon being instructed and required by the commissioner to sue for and recover such penalties in the name and for the use of the state of Ohio: provided, that such prosecuting attorney shall not bring any action at the instance of any private party, unless such party shall first become liable for costs, and in case the state fails in such suit, the costs thereof shall be adjudged against such party.

Prosecuting attorneys of counties may sue and collect penalties.

SEC. 9. It is hereby made the duty of the president or other officer in charge of each and every railroad company in this state, annually, during the month of October, to prepare and transmit to the commissioner a full and true statement, under oath, of its affairs for the preceding year, ending on the first Monday of July, specifying:

President of company must make annual report to commissioner.

- 1st. The amount of capital stock paid in.
- 2d. The amount of capital stock unpaid.
- 3d. The amount of funded debt per last report.
- 4th. The amount of funded debt paid since last report.
- 5th. The increase of funded debt since last report.
- 6th. The present amount of funded debt.
- 7th. The amount of floating debt per last report.
- 8th. The amount of floating debt paid since last report.
- 9th. The increase of floating debt since last report.
- 10th. The present amount of floating debt.
- 11th. The estimated value of the road-bed, including iron and bridges.
- 12th. The estimated value of its rolling stock.
- 13th. The estimated value of its stations, buildings and fixtures.
- 14th. The estimated value of all its other property.
- 15th. The length of single main track.
- 16th. The length of double main track.
- 17th. The length of branches, stating whether they have single or double track.
- 18th. The aggregate length of sidings and other tracks not above enumerated.
- 19th. The maximum grade, with its length in main road, and also its branches.
- 20th. The total rise and fall in main road and also in branches.
- 21st. The shortest radius of curvature, with length of curve in main road, and also in branches.
- 22d. The total degrees of curvature in main road, and also in branches.

Items to be contained in report.

Items to be
contained in
report of
companies.

23d. The total length of straight line in main road, and also in branches.

24th. The number of bridges, aggregate length, and whether wood or iron, distinguishing between main track and branches.

25th. The whole length of road unfenced on either side, and the reason therefor.

26th. The number of miles run by passenger trains.

27th. The number of miles run by freight trains.

28th. The number of tons of through freight carried.

29th. The number of tons of local freight carried.

30th. The rate of speed adopted for express passenger trains, including stops.

31st. The rate of speed actually attained by express passenger trains.

32d. The rate of speed adopted for mail and accommodation passenger trains, including stops.

33d. The rate of speed actually attained by mail and accommodation trains, including stops and detentions.

34th. Its monthly earnings for transportation of passengers.

35th. Its monthly earnings for transportation of freight.

36th. Its monthly earnings from all other sources.

37th. The amount of expense incurred in the running and management of passenger trains.

38th. The amount of expense incurred in the running and management of freight trains.

39th. All other expenses incurred in the running and management of the road.

40th. The amount expended for repairs of road and maintenance of way, including renewal of iron and repairs of bridges.

41st. The amount expended for motive power and cars.

42d. The amount expended for station houses, buildings and fixtures.

43d. All other expenditures for maintenance of way.

44th. All other expenditures, either for management of road, maintenance of way, motive power and cars, or for other purposes.

45th. The rate of fare for passengers and its tariff of freights, as published for the government of its agents, and those actually received, with distances specified.

46th. A statement of all casualties resulting in injuries to persons, and the extent and cause thereof.

47th. What express companies run on their roads, and on what terms.

48th. What freight or transportation companies run on the road, and on what terms.

49th. The number and description of new bridges built.

50th. The greatest age of bridges.

51st. The average age of bridges.

52d. The length of rail re-laid, new, re-rolled or old.

53d. The number of switches on the road, and how many e private.

54th. The number of road crossings.

55th. How many provided with flagmen.

56th. How many level and how many bridged.

57th. The number of wheels and of axles in use in passenger trains, and how many have been renewed during the year.

58th. The number and kind of farm animals killed and claim of damages therefor; amount paid and unpaid on said claims.

59th. The description of property burned by fire from locomotives, and amount of claims for damages therefor, and such other information as may be required by the commissioner; but if any company shall be unable to furnish the required information, the reasons therefor shall be given. The commissioner shall prepare and furnish to each railroad company and to each telegraph company or chief manager thereof, in this state, blank forms for making the reports required by this act.

SEC. 10. Every president or other officer in charge of any railroad, who shall willfully neglect or refuse to make and furnish such report at the time prescribed in section nine, shall forfeit and pay a sum not exceeding one thousand dollars, to be recovered in the name and for the use of the state of Ohio, and he shall be subject to a like penalty for every period of ten days after the time that he shall willfully neglect or refuse to make such report.

Penalty for refusing or neglecting to report.

SEC. 11. It shall be the duty of the chief manager or agent of each telegraph line or company in this state, annually, during the month of October, to furnish to the commissioner, under oath, such information, and in such form as he may require.

SEC. 12. It shall be the duty of the commissioner aforesaid, to make to the governor, on or before the first day of January of each year, a full and accurate report of the condition and affairs of all the railroad companies and railroads, and telegraph companies and telegraphs in the state; also of all accidents resulting in injury to persons, and the roads upon which they occurred, and the circumstances and cause thereof; and such other information, suggestions and recommendations as he may deem of advantage to the state, to be by the governor laid before the general assembly.

Annual report of commissioner.

SEC. 13. This act to take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 5, 1867.

AN ACT

To transfer and appropriate certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any township in any county in the state

Transfer of poor fund.

of Ohio, having a county infirmary, in which there has been an accumulation of the poor fund prior to the creation of such infirmary, the trustees of such township are hereby authorized to transfer any balance of such fund yet unexpended to the general township fund, and appropriate the same to the current expenses of said township, or to school, road or other purposes for which township trustees are authorized by law to use money in their respective townships.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 5, 1867.

AN ACT

To provide for reindexing certain executions in certain counties of this state.

Indexing executions and judgments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties of this state having more than two hundred thousand inhabitants at the last federal census, the clerks of the courts of common pleas of said counties, shall make new, direct and reverse indexes of all executions issued from the several courts of record of said counties of which they are the clerks, not dormant at the date of the passage of this act; and also of all transcripts of judgments of justices of the peace, filed for lien and docketed on the execution dockets of said courts, not dormant as aforesaid. Said direct index shall contain the names of all the judgment creditors in their proper alphabetical order, and said reverse index the names of all the judgment debtors in their proper alphabetical order, and both shall contain, in proper columns, the number of each execution and that of the docket in which the same may be found.

Fees of clerks.

SEC. 2. The clerks aforesaid, upon the completion of said indexes, shall receive the sum of twenty-five cents for each execution and transcript of judgment indexed in compliance with the provisions of the first section of this act, to be paid out of the county treasury on the order of the county auditor, which shall issue upon the certificate of the clerk, to be approved by the county commissioners.

SEC. 3. The county commissioners of said counties, if in their opinion the public interest require it, shall cause to be made by the clerks of said courts, at intervals of not less than five years, new indexes in the manner above provided.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 8, 1867.

AN ACT

Supplementary to an act entitled "an act relating to roads and highways," passed February 27, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees shall be entitled to receive pay at the rate of one dollar and fifty cents per day for the services they may render under the provisions of the act to which this is supplementary.

Compensation of township trustees.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 8, 1867.

AN ACT

Supplementary to an act passed March 14, 1853, entitled an act to provide for the re-organization, supervision and maintenance of common schools.

3 Curwen,
2210.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any sub-district, or any two or more contiguous sub-districts containing not less than two hundred and seventy-five inhabitants, may become a separate school district in the manner hereinafter provided; but the provisions of this act shall not extend to, or include any city, town or incorporated village, now governed as to schools, by any special law, or by the Akron law, "or by the law for the better regulation of the public schools in cities, towns, etc., passed February 21st, 1849," and the acts amendatory thereof, and supplementary thereto.

Separate school districts:

SEC. 2. That in order to the organization of such separate school district, written or printed notices shall be posted up in at least five of the most public places within the boundaries of the said proposed separate school district, signed by at least six of the freeholders resident therein who shall be qualified electors, requesting the qualified electors resident within the said proposed separate school district, to assemble on the day, and at the hour and place, designated in said notices, then and there to vote for or against the adoption of the provisions of this act, which notices shall be so posted up, at least ten days next prior to the day designated therein for the said meeting.

—how organized.

SEC. 3. The electors assembled at said time and place shall proceed to appoint a chairman, assistant chairman and clerk, who shall be judges of said election. The electors in favor of the proposed separate school district, shall write upon their ballots "School," and those opposed thereto "No school;" and a majority of the ballots so cast, shall determine the question whether or not the said proposed separate school district shall be created.

Electors to vote for or against district.

Election of
members of
board.

SEC. 4. Should a majority of the ballots in the said election be found in favor of the separate district as aforesaid, the electors shall at once proceed to elect three members of the board of education, one for one year, one for two years, and one for three years, who shall hold their offices for the terms herein specified, and till their successors are elected and qualified; and annually thereafter the electors shall elect one member of the board of education for the term of three years.

Powers and
duties of
board.

SEC. 5. The board of education so elected as aforesaid, shall at once proceed to the discharge of all the duties devolving upon them as said board of education of said separate school district, and the said board and said separate school district shall thereafter possess all the powers, now granted by law, or which may hereafter be granted to separate school districts, created by the act passed March 14, 1853, and the acts supplementary thereto, or amendatory thereof, and in like manner be held responsible for the performance of all duties required therein.

SEC. 6. Any separate school district created under the provisions of this act, shall be entitled to all the school property, or funds belonging thereto, and it is hereby made the duty of all officers having custody of the same, to transfer said custody to the board of education of said separate school district, and the offices of said officers so surrendering their trusts, are hereby abolished, so far as the same may relate to the separate school district created as aforesaid.

SEC. 7. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 9, 1867.

AN ACT

For the establishment, support and regulation of Children's Homes in the several counties of the state, and repealing a certain act therein named.

County commissioners
may purchase site
and erect
buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county in this state may, and they are hereby authorized, when in their opinion the interests of the public demand it, to provide for the purchase of a suitable site and the erection of the necessary buildings, to be styled the "Childrens' Home" for such county, and to provide means by taxation for such purchase and support of the same. And they are authorized to receive and hold in trust for the use and benefit of said "Home," any grant or devise of land, and any donation or bequest of money or other personal property that may be made for the establishment or support of said "Home."

SEC. 2. That when the necessary site and buildings are provided by the county, it shall be the duty of the commissioners of such county to appoint thereafter, on the first Monday of March, a board of three trustees, who shall hold their offices as follows: One for the term of one year, one for the term of two years and one for the term of three years, from the date of their appointment; and annually after said board shall be so constituted, said county commissioners shall, on the first Monday of March, annually thereafter, appoint one trustee for said Childrens' Home, who shall hold his office for the term of three years, and until his successor is appointed and qualified, and the said commissioners shall designate one of said trustees, or some other suitable person, who shall act as superintendent of said "Childrens' Home," and who shall also be clerk of said board of trustees, and he shall receive for his services such compensation as the said commissioners may designate at the time of his appointment; and he shall perform all such duties, and give security for the faithful performance of them as the trustees may by by-laws direct. The other trustees shall not receive any compensation for their services. The said trustees shall have the entire charge and control of said "Childrens' Home" and the inmates therein. They may appoint a matron, assistant matron and teachers for said Childrens' Home, whose duties shall be the special care of the inmates of said Home, direct their employment, and giving suitable, physical, mental and moral training to the inmates. The matron shall have the control, general management and supervision of the household duties of said Childrens' Home, and the said matron, assistant matron and teachers shall each perform such other duties, and receive for their services such compensation as the trustees shall by by-laws from time to time direct, and may be removed at the pleasure of the trustees or any two of them, upon good cause.

Board of
trustees.

Superinten-
dent.

Matron,
teachers, &c.

SEC. 3. The "Childrens' Home" shall be an asylum for all persons resident of the county where such home is located, under sixteen years of age, and such other persons under such age from other counties in this state, where no home is located, as the trustees of such "Children's Home" and the party, parties or authorities having the custody and control of such children, may, by contract agree upon, who by reason of abandonment by parents, or orphanage or neglect, or inability of parents to provide for them, in the opinion of the trustees, are suitable persons for such provisions, and they shall be admitted by the superintendent on the order of any two of such trustees, accompanied by a statement of facts signed by them, setting forth the name, age, birthplace and present condition of the person named in such order, which said statement of facts contained in said order, together with any additional facts connected with the history and condition of said person, shall be by the superintendent recorded in a book, provided him for that purpose by the county commissioners of such county, which book shall be at all times open for inspection.

Who admit-
ted to Home.

SEC. 4. That all the inmates of said "Childrens' Home,"

Trustees to have exclusive guardianship of children.

Trustees may indenture children, and secure suitable homes.

Board to report quarterly to county commissioners.

Purchase of "Home" already established.

Act repealed.

who have been neglected or abandoned as aforesaid, or who have been by the parent or parents or guardian of said person voluntarily surrendered to the trustees of such "Childrens' Home," in all such cases the said trustees shall have the sole and exclusive guardianship and control of such children during their stay in said home, and until they shall arrive at the age of sixteen years; and said trustees shall also have power to discharge any of the inmates of said home, when in their judgment said inmate has become an unsuitable person for such home, and such person when so discharged, shall resume the same power and authority as they originally possessed; provided, the said trustees may in their discretion, return any of the inmates of said home to the parents or guardian of such inmates, when they believe said inmates are capable of earning and providing for themselves, or their parents or guardians for them.

SEC. 5. That it shall be the duty of said board of trustees to seek suitable homes for all such children so committed, and indenture the same to such persons as may be willing to rear the same; also to cause such children to be adopted by parties willing to adopt such children; provided, that the person to whom such child is indentured, or by whom such child is adopted, is deemed by said board of trustees a suitable person, and the said superintendent shall enter in a book, to be provided him by the county commissioners of such county, the date when any of the inmates of said "Childrens' Home" shall be indentured or adopted, the name and age of such inmate, the name and place of residence of the person to whom indentured or by whom adopted; and if indentured, a substantial statement of the conditions of such indentures, which said book shall be at all times open for inspection to any person interested in any of the inmates of such "Childrens' Home."

SEC. 6. It shall be the duty of the said board of trustees to report, quarterly, to the county commissioners of said county, the condition of the "Home," and make an annual report in writing of the condition, wants and operations of the same, including the number of inmates, and if any from other counties, the terms upon which they are admitted, and furnish, also, an accurate account of all receipts and expenditures.

SEC. 7. That in any county in this state where there now is or hereafter may be established by private charity, or otherwise, a "Childrens' Home," the same may be purchased or sustained under the provisions of this act by the county commissioners.

SEC. 8. That the act entitled an act for the establishment, support and regulation of "Childrens' Homes" in the several counties of the state of Ohio, passed March 20, 1866, is hereby repealed; provided, that such repeal shall in no manner affect contracts that have been made or rights that have become vested under said original act, but the same shall

remain, in all respects, as if such act had not been repealed and this act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives

ANDREW G. McBURNEY,

President of the Senate.

Passed April 10, 1867.

AN ACT

To amend section eighty-four of "an act to provide for the incorporation [organization] of cities and incorporated villages," passed May 3, 1852. (S. & C. 1521.)

3 Curwen,
1360.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighty-four of the "act to provide for the organization of cities and incorporated villages," passed May 3, 1852, be so amended as to read as follows:

Section 84. The judge of the police court shall receive no fees or perquisites whatever, but shall receive such annual compensation, to be paid quarterly, out of the city treasury not to exceed two thousand dollars, as the city council may have prescribed or may hereafter prescribe, and such further compensation payable out of the county treasury as the county commissioners may deem right and proper; provided, however, that in cities of the first class having a population of one hundred thousand inhabitants, the judge of the police court shall receive not less than fifteen hundred dollars per annum from the city treasury, and not less than fifteen hundred dollars per annum from the county treasury; and provided, further, that nothing in this section contained shall be construed to prohibit the said judge from taking acknowledgments of deeds, depositions and affidavits in cases wherein he is now allowed by law to perform such duties and receiving therefor the same fees allowed to justices for like services.

Compensation of police judges.

SEC. 2. This act shall take effect on its passage. Said section eighty-four, as heretofore amended, is hereby repealed.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

3 Curwen,
1335.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventy-seven of an act entitled "an act to provide for the organization of cities and incor-

porated villages," be and the same is hereby extended to cities of the second class which had a population of over twenty thousand at the last federal census.

Additional
poor tax.

SEC. 2. That the city council of such city is hereby authorized to levy a tax in addition to the other taxes now authorized by law, of not more than three-fourths of a mill on the dollar, the proceeds of which shall be exclusively applied to the maintenance of the city infirmary authorized by said section seventy-seven, and to the support of the out-door poor; provided, that when by any unusual flood, conflagration, or other extraordinary cause, it shall, in their opinion become necessary, the city council may increase such levy, but not to exceed in the aggregate one mill on the dollar.

SEC. 3. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

To amend "an act to provide for and regulate street railroad companies," passed April 10th, 1861, and supplementary thereto, and to repeal section seven of said act. (Ohio Laws, vol. 58, page 66.)

Construction
of street
railroads out-
side of city
limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That street railroads may be located and constructed in part within and part without the limits of any city, town or village, and any road heretofore or hereafter constructed within the limits of any city, town or village, whether such village be incorporated or not, may be extended without the limits thereof; provided, that before such railroad shall be constructed upon any road, street, avenue, turnpike, public way or ground without such limits, the company or public officer, or public authorities owning or having charge thereof, shall agree with the railroad company upon the manner and upon the terms and conditions upon which the same shall be occupied or used, but such agreement shall not be necessary to the crossing thereof.

SEC. 2. That the seventh section of the act "to provide for and regulate street railroad companies," passed 10th April, 1861, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

To authorize cities to appropriate land for levees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city having a population of less than twenty-five thousand and more than twenty thousand inhabitants at the last federal census, shall have the power to appropriate, enter upon, and take private property outside of its corporate limits for the purpose of protecting itself from floods, by extending and strengthening its levees and embankments along any river or rivers adjacent to the limits of such city, or by widening the channel of such river or rivers.

What cities
may appropriate
land.

SEC. 2. The city council of such city shall be governed in their proceedings in appropriating said property by the provisions of the act entitled "an act to provide for compensation to the owners of private property appropriated for the use of corporations," passed April 30th, 1852, and all acts amendatory thereto.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 10, 1867.

AN ACT

To enable certain cities to borrow money, and levy a tax to pay the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the second class, having a population of five thousand inhabitants and upwards, bordering on the navigable rivers of the state of Ohio, be and they hereby are authorized to borrow a sum of money not exceeding fifty thousand dollars, at an interest not exceeding six per cent. per annum, to be appropriated to the construction and repair of the public wharf and landings; to the improvement of the fire department, and for the general improvement of such city; and the city council are hereby authorized to issue the bonds of such city for the amount of said money so borrowed, to the persons of whom the same shall have been so borrowed, the principal and interest of said bonds to be made payable at such times and in such proportions as such city council may stipulate therein. To pay the bonds which may be issued under the provisions of this act, and the interest on the same as they become due, such city council are hereby authorized to levy an additional

Certain cities
authorized
to borrow
money for
city purposes

tax on the taxable property within the limits of such city to pay the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 11, 1867.

AN ACT

3 Curwen,
1835.

Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Main ditches
or drains.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class shall have power to provide by ordinance for the construction of main ditches or drains, and to borrow money for the purpose of defraying the expense of constructing such ditches or drains, and to issue bonds with coupons attached, bearing such rate of interest as may be authorized by law, redeemable within ten years thereafter, not exceeding the sum of fifteen thousand dollars.

Lands may
be appro-
priated.

SEC. 2. That any city council, as aforesaid, shall have power to provide by ordinance for taking possession of any lands, rights or easements which may be deemed necessary for the construction of any such ditches or drains, and when necessary for the construction thereof, to appropriate lands, rights or easements, and the proceedings shall be the same as is provided in sections twenty-seven, twenty eight and twenty-nine of the act for the organization of cities and incorporated villages, passed May 3d, 1852.

SEC. 3. This act to take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 11, 1867.

AN ACT

Supplementary to an act entitled "an act to reorganize the institution for the education of the deaf and dumb, and to repeal certain laws heretofore passed," passed April 5, 1866.

Printing and
book-binding

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the more effectually to carry out the provisions of the eleventh section of the aforesaid act, as well as to promote and render more thorough the education of the deaf and dumb, the trustees and superintendent of said institution are authorized and required to increase the industrial branches taught therein, by adding thereto the arts of printing and book binding.

SEC. 2. The supervisor of public printing shall proceed, as soon as the proper arrangements can be made, to secure the services of one or more necessary and competent teachers, to be approved by the superintendent of said institution, one of printing and the other of binding, both of whom must be practically skilled in the branches they are employed to teach, and shall, if such can be obtained, be educated mutes, or have a knowledge of the sign language of the institution; but if such cannot be obtained, other competent teachers may be procured. They shall be allowed such salaries as the nature of the service may prove to demand and the law may authorize.

Supervisor of printing to employ teachers;

SEC. 3. The supervisor of public printing shall provide the necessary materials, machinery, tools and fixtures to be used in said departments, and shall superintend the proper arrangement thereof with a view to convenience and dispatch in the practical operations of the said branches of industry, subject, however, to the concurrence of the trustees, as to the amount of space which can be afforded in the commencement, and with the present buildings.

—and provide necessary material.

SEC. 4. As soon as the necessary arrangements aforesaid are completed in whole or in part, the superintendent of said institution shall detail and assign from among the pupils, to the printing and binding branches of education and industry, such numbers thereof, male and female, as the arrangements at the time may provide for, and shall organize them into classes, and assign to each class such portions of each day as will best harmonize with their ordinary studies, and at the same time give sufficient opportunity to the teachers of printing and binding to attend their instruction; and said superintendent and teachers, together with the supervisor of printing, shall meet and consult together as often as once in each month, and make any changes in the classes or in the order of instruction, and adopt such rules in regard thereto as experience may suggest, subject, however, to the supervision and approval of the trustees.

Superintendent to assign pupils.

SEC. 5. The supervisor of public printing shall have the care and control of the material, implements, machinery, fixtures and other property of the state pertaining to the printing and binding departments, and the exclusive direction and management of the practical operations thereof in printing and binding, as branches of the public service; but he shall, at all times, so manage the business as to afford access and all proper facilities to the teachers in the discharge of their duties. He shall keep accurate and detailed accounts of all materials, machinery, tools and fixtures by him purchased, and of the cost thereof, and also cause to be made bills in duplicate of all the items of the property so purchased by him, one of which he shall file and carefully preserve, and the other he shall officially certify as a voucher in behalf of the party from whom such purchase may have been made; and all payments out of the treasury on account of such expenditure shall only be made upon the warrant of the auditor of state, after said auditor shall have examined and audited said vouchers.

Superintendent and supervisor of printing to hold monthly consultations.

Supervisor of printing to have control of material and general management of establishment.

Secretary of
state to fur-
nish necessa-
ry paper, &c.

SEC. 6. It shall be the duty of the secretary of state to issue to the supervisor of public printing, upon his written requisitions, such quantities of paper provided by the state for public printing and binding, as said supervisor may require from time to time, in the same manner he is authorized to do by the twenty-second section of the "act to provide for the execution and supervision of the state printing and binding," passed March 24th, 1860, in the case of contractors, and subject to the provisions of said section as to the duties of said secretary, and the same liabilities and penalties upon the part of said supervisor, as are provided therein, as to contractors.

Arrange-
ments for
doing state
work;

SEC. 7. The supervisor of public printing, at the earliest day possible, shall cause the labor of said pupils to become available to the state by executing portions, and, ultimately, the whole of the printing and binding required by the state, and to that end, as soon as he has at his disposal a sufficient number of educated laborers, he is authorized to arrange with the parties having contracts with the state for printing and binding, or either, for the execution of such portion thereof as he may feel able to perform with the labor of said pupils, on such terms as may be mutually advantageous to the state and said contractors, and to apply said labor thereto, and after the expiration of the term of the existing contract for binding, the supervisor of printing shall cause all of the binding required by the state, or so much thereof as can be performed by such laborers, to be done in the printing and binding department herein provided for, and the remainder of such binding shall be contracted for as provided by law; in case printing cannot be done for the contractors of state printing at fair rates, or sufficient binding for the state cannot be obtained to employ the pupils engaged in this department, the supervisor of printing is authorized to contract for and perform other printing and binding, and shall render an account thereof monthly to the auditor of state, and shall pay into the treasury of state, all moneys raised therefrom at the end of each month. He shall also consult with and advise the trustees of said institution, with a view to so direct the instruction of the pupils in said departments as to especially prepare them for the execution of such portions of the printing and binding of the state as he may hereafter be required to do, and shall, in his annual report in each year, advise the governor of the capacity of said department for public usefulness. He shall also be authorized, from time to time, to appoint masters or mistresses of the shops in said departments, to superintend and direct the labor of the operatives, so far as the same is employed in executing the work of the state, or other work that he may be authorized to do.

—or other
work.

Report to
governor.

Masters and
mistresses of
shops.

Supervisor of
printing to
keep an ac-
count of ma-
terial and of
work done.

SEC. 8. Said supervisor shall keep correct and specific accounts of all materials, machinery, tools, fixtures and property by him at any time purchased or received for the use of said departments, or either thereof, and of all work done and materials consumed therefor, preserving copies of each document or other printed matter, printed or folded,

stitched or bound, or upon which any other work may be done, or for which any materials may be provided or furnished, with an indorsement of each, briefly stating the date, number, amount, &c., of said work done, and materials provided and furnished; and shall, annually, on or before the first day of December, report to the governor a full exhibit of the receipts and expenditures of his department, and other matters connected therewith.

Report of receipts and expenditures.

SEC. 9. The expenditures under this act shall not exceed three thousand dollars during the present year.

SEC. 10. The supervisor of printing shall receive the sum of five hundred dollars per annum for the services herein provided for, in addition to the salary allowed him by law.

SEC. 11. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 11, 1867.

AN ACT

Supplemental to the act entitled "an act to restrain from running at large certain animals therein named," passed April 13th, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township in this state are hereby authorized to procure or construct an enclosure or pound wherein animals taken up under the provisions of said act may be confined as therein provided, and the said trustees may appropriate from the township funds an amount not exceeding one hundred dollars for that purpose.

Pounds for confinement of animals.

SEC. 2. It is hereby made unlawful for any person or persons to interfere with, break open, destroy or in any manner injure said enclosure or pound, or to set at liberty any animal impounded therein, and any person so offending shall be fined by any mayor or justice of the peace having jurisdiction in any sum not exceeding fifty dollars and the costs of prosecution, or be imprisoned in the county jail not exceeding ten days, or both, at the discretion of the court.

Unlawful to break open or injure pound.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 12, 1867.

AN ACT

For the protection of bridges across the Ohio river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall willfully burn or otherwise destroy, or shall willfully attempt to burn or destroy any toll bridge or any part thereof erected, or that may hereafter be erected across the Ohio river, he shall be deemed guilty of felony, and shall be imprisoned in the penitentiary not less than three nor more than ten years.

Burning or
destroying
toll bridges
across the
Ohio river.

SEC. 2. That if any person shall willfully injure such bridge or any part thereof, or the approach thereto, or without authority take up or remove the paving or any part of it, or the planks in the bridge floor, or the tracks or rails, or place any obstruction upon the bridge or upon said approach, or willfully impede any foot passengers or vehicles or live stock in crossing such bridge without the assent of the company or owner of such bridge or the keeper thereof, he shall be deemed guilty of a misdemeanor, and shall be fined at the discretion of the court, and imprisoned in the county jail not exceeding one year.

Injuring
bridge and
approaches
thereto, &c.

SEC. 3. If any person shall willfully destroy or deface any sign, notice, card or table of rules or rates posted and put up at said bridge by the company, owner or keeper for the information of the public, or shall without authority alter, take down or remove the same, he shall be fined in any sum not less than ten nor more than fifty dollars, before any justice of the peace or court of record having proper jurisdiction.

Destroying
or defacing
sign, card, or
table of rules
or rates.

SEC. 4. That if any person shall, with the intent to defraud the company or owner of such bridge, fail or refuse to pay the toll required when crossing, or shall attempt to evade the payment thereof, he shall be fined in any sum not less than five nor more than twenty dollars.

Refusing or
failing to
pay toll.

SEC. 5. That all bridge companies and owners are hereby invested with full power and authority to make and enforce any rule or regulation which shall be deemed necessary or requisite to preserve and protect their property and collect their tolls, and they may prevent any person from crossing such bridge on foot or by riding or driving any team or vehicle, or from driving any stock who fails to pay the regular fare when demanded; and the police or watchman of such bridge shall have and are hereby endowed with all the power and authority of policemen of cities, and may arrest any person who violates the law or the rules of such bridge company, without warrant, at or upon such bridge, and take him before the proper civil authority to be dealt with according to law.

Powers of
companies.

SEC. 6. That if any person shall ride or drive any team, or willfully drive any stock across or upon said bridge at a gait faster than a walk, such person shall be fined in a sum not less than five nor more than ten dollars.

Watchmen
of bridge
invested
with police
powers.

Penalty for
fast driving
on bridges.

SEC. 7. That when any company or owner of such bridge shall issue and sell tickets in commutation of fare for the convenience of and to favor the public and those who frequently cross such bridge, or shall sell packages of tickets at

Sale of tick-
ets.

a reduced rate below single fares, it shall not be lawful for any person to make traffic of the same nor to re-sell such tickets at the same or at a less rate than the company charge for single fares, and any person violating this section shall be fined five dollars for each offence.

SEC. 8. That if any person shall forge or counterfeit any check, tickets, order or pass written or printed, issued or purporting to have been issued by said bridge company or owner, or shall knowingly have such forged or counterfeited check, ticket or order in possession with intent to defraud the said company or owner, he shall, upon conviction thereof, be imprisoned in the penitentiary not less than one nor more than five years.

Counterfeiting tickets.

SEC. 9. That all fines imposed by virtue of this act in amounts less than one hundred dollars, shall be imposed and enforced as provided in section third, shall be prosecuted for in the name of the State of Ohio, and shall be for the use of the common school fund of the city or town in which said bridge or any part thereof shall be located.

Fines.

SEC. 10. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 12, 1867.

AN ACT

To authorize certain cities of the second class to levy taxes to aid in the erection of court houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the second class, situated in any county having a population of more than forty-two thousand inhabitants at the last federal census, the commissioners whereof shall have been empowered to erect a new court house, be and they are hereby authorized to levy a tax upon the taxable property of such city, not exceeding twenty-five thousand dollars, and to donate said sum to the commissioners of such county to aid in the erection of such new court house, or the purchase of grounds therefor; provided, that not more than three mills on each dollar of the taxable property of such city shall be levied in any one year.

Amount of levy.

SEC. 2. In anticipation of the collection of the tax authorized to be levied in the foregoing section, such city council may issue the bonds of such city bearing the legal rate of interest, and may sell the same at not less than their par value, and apply the proceeds thereof to the purpose specified in the foregoing section.

Council may issue bonds of city.

SEC. 3. Before levying the tax or issuing the bonds pro-

Question
must be sub-
mitted to
electors.

vided for in sections one and two of this act, the city council of such city shall provide by ordinance for submitting to the qualified electors of such city the question whether said tax shall be levied and said donation be made, prescribing the time, place and manner of voting upon the same, and if a majority of the electors voting thereon shall declare in favor of said tax and donation, then and not otherwise such city council may proceed as authorized in sections one and two.

SEC. 4. This act shall take effect on its passage.

P. PITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 12, 1867.

AN ACT

To authorize the establishment of houses of correction, and the confinement of convicted persons therein.

Council may
erect and es-
tablish
houses of
correction;

—and may
levy tax and
issue bonds.

Question
must first be
submitted to
electors.

Board of in-
spectors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class having a population of less than one hundred thousand and over thirty thousand inhabitants at the federal census of 1860, shall have the power to erect and establish, either within the city or within the county within which such city may be situated, a house of correction; and for such purpose may levy a tax for the purchase of such real estate as may be deemed necessary and for the erection of suitable buildings thereon; or such city, for the purpose of paying for lands and erecting buildings for the above object, may issue its bonds for borrowing money in any sum not exceeding two hundred thousand dollars, at such rates of interest, at such dates and upon such length of time as the city council of said city may deem proper, and all money so borrowed shall be used and applied exclusively for the purpose of paying for said lands and erecting buildings thereon; provided, however, that no money shall be borrowed by any city for the purpose aforesaid, unless the proposition setting forth the amount proposed to be borrowed shall have been distinctly submitted to a vote of the electors of said city, under the provisions of a city ordinance and shall have been approved by a majority of those voting on the proposition.

SEC. 2. The management and direction of said house of correction shall be under the control and authority of a board of inspectors, which shall consist of the mayor of said city, and four freeholders residents of said city, who shall be appointed by the city council on the nomination of the mayor. The term of office of the appointed members of said board shall be four years, but the members first appointed shall hold their office respectively as shall be determined by lot at the first meeting of said board, for one, two, three and four

years, and thereafter one member shall be appointed each year for the full term of four years.

SEC. 3. The said board of inspectors is hereby authorized and empowered to establish and prescribe rules for the regulation and discipline of said house of correction; and upon the nomination of the superintendent thereof, to appoint the subordinate officers, guards and employees thereof, to fix their compensation and prescribe their duties generally, and to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient; but no order, ordinance, resolution or act of said board fixing the salary or compensation of any officer or employee of said house of correction shall be binding and valid until it shall have received the sanction of the city council of said city, at some regular meeting held not less than one week subsequent to the meeting at which said salary or compensation shall have been presented to said city council. And no appropriation of money shall be made by said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of said city council, to be had and given as in the case of salaries and compensation of officers and employees.

General powers of board.

SEC. 4. The books of said house of correction shall be so kept as to clearly exhibit the true state and condition of the prisoners, the number received and discharged, and for what offense committed, the number employed as servants or in cultivating the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of each department of business, or for the improvement of the premises. A quarterly statement shall be made out, which shall specify minutely all receipts and expenditures, from whom received and to whom paid and for what purpose, with proper vouchers for each item; which statements shall be audited and certified by the inspectors and submitted to the auditor of said city and by him to the city council for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January in each year, and full reports of the operations of the preceding year shall then be made and submitted to the city council of said city, and such report shall be published in the official paper of the city or in such other form as said city council may direct; and the city council of said city may require such other and further reports and exhibits of the condition and management of said house of correction as to them shall seem necessary and proper.

An accurate book account must be kept.

Quarterly statement of receipts and expenditures.

Annual report.

SEC. 5. The board of inspectors may, for misconduct or willful neglect of duty, and upon sufficient proof thereof, remove any officer or employee of said institution, except the superintendent thereof, who shall be removable for the causes and in the manner provided for the removal of city officers of said city; but any subordinate officer or employee may be removed or discharged by the superintendent at his discretion.

Removal of officers or employees.

Superintendent—his general powers and duties.

SEC. 6. The superintendent of said house of correction shall be appointed by said board of inspectors, and shall have the entire control and management of all its concerns, subject to the authority established by law and the rules and regulations adopted for its government, and it shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be responsible for the manner in which said house of correction is managed and conducted, shall reside at the same, devote his time and attention to the proper business thereof, and shall visit and examine into the condition of any department thereof, and of each person confined therein, daily, or as often as good order or necessity may require. He shall exercise a general supervision and direction in regard to all matters of discipline, police regulation and business of said institution. The deputy superintendent of said house of correction shall have and exercise all the powers of the superintendent in his absence, so far as relates to the discipline thereof and the safe keeping of prisoners.

Completion of building.

SEC. 7. Whenever said house of correction shall, in the opinion of the board of inspectors, by this act created and established, or a majority of them, be so far completed as to insure the safe confinement and employment therein of persons intended to be therein confined, they shall make duplicate certificates thereof, one of which they shall file in the office of the clerk of the court of common pleas of the county where said house of correction is situated, and the other shall be served on the sheriff of said county, and said inspectors after filing their certificate of completion as aforesaid, shall cause a copy thereof to be published in the official newspaper of said city or county, and thereafter it shall be the duty of any court or magistrate in said county otherwise authorized by law to sentence or commit to the city prison or county jail any person convicted of a violation of the ordinance of said city, or the laws of this state, to sentence such person to imprisonment in such house of correction; and any person so sentenced shall be received into such house of correction and shall be there kept and confined, and shall be subject to the rules, regulations and discipline thereof, and it shall be the duty of all officers having the execution of the final process of any court or magistrate sentencing convicted persons to said house of correction, to cause such convicts to be conveyed forthwith to the same; and such officer or officers shall be paid therefor the fees allowed by law for conveying persons.

Persons convicted of violation of ordinances to be sentenced to house of correction.

Escapes.

SEC. 8. Any person lawfully committed to said house of correction, who shall escape therefrom, or break the same with intent to escape therefrom, or who shall attempt by force or violence or in any other way to escape from said house of correction, whether such escape be effected or not, shall, upon conviction thereof before the police court or court of common pleas for the proper county, be punished by confinement in said house of correction for a term not exceeding double the term for which he or she was so sentenced, to commence from and after the expiration of his or her former sentence.

SEC. 9. The said inspectors shall serve without fee or compensation, and there shall be a meeting of the entire board of inspectors at the house of correction once in each year, at such time as shall be fixed by said board, and one or more of said appointed inspectors shall visit such house of correction at least once in each month, and there shall be a meeting of said appointed inspectors at said house of correction once in every three months. All rules and regulations, or other orders of said board of inspectors, shall be recorded in a book kept for that purpose, which shall be deemed a public record, and with the other books and records of the house of correction, shall at all times be subject to inspections by any member or committee of the city council, auditor, treasurer, or attorney of said city, or any other person duly authorized by any court of record to make such inspection.

No compensation to inspectors.

Meetings of inspectors.

Record must be kept.

SEC. 10. The expenses of maintaining and administering said house of correction, over and above all receipts for the labor of persons confined therein, shall be audited and paid from time to time by the city council of said city, and a tax for said expenses shall be levied and collected as a part of the ordinary expenses of said city.

Expenses of institution.

SEC. 11. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

To provide for the erection of an additional lunatic asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor, by and with the consent of the senate, is hereby authorized and required to appoint three trustees, no two of whom shall be residents of the same county, whose duty it shall be to select and purchase, or receive by gift or donation, a lot of land at some conveniently accessible point within the central asylum district, but not within thirty miles of any of the existing insane asylums of the state, suitable for the erection thereon of an asylum for the insane, the unincumbered title to said land to be secured to the state of Ohio.

Appointment of three trustees.

SEC. 2. That in making such selection, the trustees shall take into consideration any donation that may be proposed towards the establishment and erection of said institution, and the said trustees are hereby authorized to advertise, in such county newspapers as they may deem expedient, for donation for a site for said asylum and the erection of the necessary buildings thereon. Said lot of land so selected shall contain not less than fifty nor more than one hundred

Selection of site.

- Buildings.** acres. Said trustees, after securing the land, shall forthwith proceed to make arrangements for building thereon suitable buildings for the care and treatment of at least four hundred patients, and to enable them to proceed without difficulty or embarrassment, they are hereby authorized to contract (according to the provisions of the following sections of this act) for the necessary materials, appoint suitable persons to attend the erection of the same, and to perform such other duties as may be necessary to carry out the objects herein contemplated.
- Plan to be submitted to architect.** SEC. 3. That said trustees shall submit to some competent architect, a statement of the dimensions, arrangement and plan of said asylum, and of all buildings and other improvement necessary to the perfect utility of said asylum, and also a statement of the several kinds and descriptions of materials which shall be used in the several parts of said improvements, as the same shall have been agreed upon by said trustees, and shall procure to be executed by said architect such drafts, descriptions, plans, estimates and profiles, of all such proposed buildings and improvements of grounds, as will enable estimates to be made therefrom, of the cost of all parts of said work and materials, and said trustees shall, at least four weeks before the time of receiving bids as herein provided for, place copies of such drafts, descriptions, plans, estimates and profiles, in the office of the secretary of state, and also publish said descriptions in four newspapers of general circulation throughout the state, stating therein the parts in which the said work and materials will be let, the times, the place and the terms of said letting. And said trustees, after said notice, shall let the said work and materials to the lowest bidder, who shall execute a bond with two or more sufficient sureties, conditioned for the faithful performance of his contract; provided that the said trustees, if in their opinion the bids are too high, by reason of collusion between bidders, or otherwise, shall have power to reject any one or all of said bids, and advertise the lettings of said contracts as hereinbefore provided for; but the entire cost to the state of said asylum, including all necessary buildings, grounds and improvements, shall not exceed in the aggregate, when completed, three hundred thousand dollars, and no contract shall be made for the beginning of any part of said work, nor shall any work be begun until arrangements be made insuring their completion at an aggregate not exceeding the sum aforesaid; provided that no plan of building shall be adopted by the trustees, as directed in this section, except such an one as shall be capable of further extension hereafter.
- Architect to make drafts, profiles, &c.**
- Publication of plans, &c.**
- Manner of letting contract.**
- Oath of trustees.** SEC. 4. Said trustees, before entering upon the duties of their office, shall take and subscribe an oath or affirmation, before some competent authority, faithfully to discharge all the duties required of them by this act. They shall each be entitled to receive the necessary expenses incurred while discharging the duties assigned them, to be paid out of any moneys in the state treasury not otherwise appropriated;

their accounts to be audited and allowed by the auditor of state.

SEC. 5. Said trustees shall make a fair and full report of all their proceedings (including the plans of the building adopted by them) to the governor on or before the first day of November in each year, until their labors are completed, which report the governor shall lay before the next general assembly.

Annual report of trustees.

SEC. 6. At the meeting of the next general assembly, the governor shall nominate, and with the advice and consent of the senate, appoint six persons as successors to the trustees herein named, who, after the performance of all the duties herein required of the trustees appointed under the provisions of the first section of this act, shall manage and direct the concerns of the asylum in manner as provided for in the several acts for the "government of the lunatic asylums of the state," and of those first appointed under this section, two shall serve for two years, two for four years, and two for six years.

Appointment of trustees to succeed those first appointed.

SEC. 7. The trustees to be appointed under the provisions of the first section of this act, shall hold their office until the completion of the buildings herein provided for, and until their successors are appointed, and in case a vacancy shall occur by death, resignation or otherwise, the governor shall fill such vacancy by appointment until the next general assembly, or until his successor shall be appointed as herein provided for.

Term of service of trustees first appointed.

SEC. 8. The trustees provided for in the foregoing sections, and their successors in office, shall have power to take and hold in trust for the use and benefit of said asylum, any grant or devise of land, and any donation or bequest of money, or other personal property, to be applied to the maintenance and support of insane persons, in or to the general use of the asylum.

Grant of land or donations.

SEC. 9. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

To amend section two of an act to provide for the punishment of certain crimes therein named, passed February 27th, 1834, took effect June 1st, 1834. (S. & C. Stat. 440.)

1 Curwen,
125.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of an act to provide for the punishment of certain crimes therein named, passed February 27th, 1834, be so amended as to read as follows:

Section 2. That any physician or other person who shall

Penalty for
committing
abortion.

administer, or advise to be administered, to any woman pregnant with a vitalized embryo, or foetus, at any stage of utero-gestation, any medicine, drug or substance whatever, or who shall use or employ, or devise to be used or employed, any instrument or other means with intent thereby to destroy such vitalized embryo, or foetus, unless the same shall have been necessary to preserve the life of the mother, or shall have been advised by two physicians to be necessary for such purpose, shall, in case of the death of such vitalized embryo, or foetus, or mother in consequence thereof, be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than seven years. That said original section two be and the same is hereby repealed; provided, that all offenses committed while the section hereby repealed was in force, shall be prosecuted and punished thereunder as if the same were not repealed.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

To dispose of certain moneys in the possession of late officers of the National Guard of Ohio.

WHEREAS, Under the provisions of an act of the general assembly of this state, entitled "An act to organize and discipline the militia of Ohio," passed March 31st, 1864, and of an act amendatory thereof and supplementary thereto, passed April 12th, 1865, certain moneys were appropriated to the organized companies of the National Guard, and designated as a "company fund," which was for the sole use and benefit of said companies; and,

WHEREAS, There is still remaining in the hands of the commandants of some of said companies balances of said "company fund," after having paid all legal demands thereon; therefore,

Distribution
of balances of
company
fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any late officer of the National Guard, or other person, having in his possession any balance of the company fund of any company of the late National Guard, after all legal claims against the same shall have been paid, is hereby authorized and required to distribute such balance equally among those members of the company, to which the said fund belonged, that were in good standing in said company at the time of the muster-out of said National Guard; provided, however, that by a vote of a majority of all the members of any company, or their consent thereto in writing,

the company fund so remaining on hand as aforesaid, may be disposed of in any other manner.

SEC. 2. That any officer or other person having in his possession any moneys belonging to the company fund of any company of the late National Guard, who shall neglect or refuse to pay over the same as required in the first section of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail not less than twenty days, and fined in any sum not less than the amount of moneys so withheld, at the discretion of the court, and shall be further liable in a civil action for the recovery of said moneys so withheld.

Penalty for neglect or refusal to pay over fund.

SEC. 3. All prosecutions under any of the provisions of this act shall be in the name of the State of Ohio; and any collections thereunder, whether for fines or otherwise, shall be for the benefit of the members of the late company of National Guards, in whose behalf said action may be brought, until their claim is fully settled; and any balance of said fund remaining after said claim is paid, shall be paid into the treasury of the county where such company was located, for the benefit of the school fund.

Prosecutions.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

To repeal the third section of an act entitled "An act authorizing county commissioners to levy a tax for road purposes," passed April 5th, 1866. (Ohio Laws, vol. 63, page 121.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of an act entitled "an act authorizing county commissioners to levy a tax for road purposes," passed April 5th, 1866, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 13, 1867.

S. & C. 1021.

AN ACT

3 Curwen,
1979.

To amend section 266 of the act entitled "An act to establish a code civil procedure," passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 266 of the above named act, be amended so as to read as follows :

Section 266. When the jury has been sworn, the trial shall proceed in the following order, unless the court for special reasons otherwise direct :

Order of
trials.

1. The plaintiff must briefly state his claim, and may briefly state the evidence by which he expects to sustain it.

2. The defendant must then briefly state his defense, and may briefly state the evidence he expects to offer in support of it.

3. The party who would be defeated if no evidence were offered on either side, must first produce his evidence ; the adverse party will then produce his evidence.

4. The parties will then be confined to rebutting evidence, unless the court, for good reasons in the furtherance of justice, permits them to offer evidence in their original case.

5. When the evidence is concluded, either party may request instructions to the jury on points of law, which shall be given or refused by the court, which instructions shall be reduced to writing, if either party require it.

6. The parties may then submit or argue the case to the jury. In the argument, the party required first to produce his evidence, shall have the opening and conclusion. If several defendants, having separate defenses, appear by different counsel, the court shall arrange their relative order.

7. The court may again charge the jury after the argument is concluded, which charge, or any charge given after the conclusion of the argument, shall also be reduced to writing by the court, if either party request it, at or before the commencement of the argument, which charge or charges, when so written and given, shall in no case be orally qualified, modified, or in any manner explained to the jury by the court ; and such charges and instructions, so written and given, shall be taken by the jury in their retirement, and returned, with their verdict, into court.

SEC. 2. This act shall take effect from and after its passage.

SEC. 3. Section 266 of the above entitled act is hereby repealed.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

To amend section seven of an act entitled an act to provide for the erection of a hospital in cities of the first class having a population of over one hundred thousand inhabitants.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above recited act be amended so as to read as follows: Section 7. That for the purpose of raising money to defray the expenses accruing from the enlargement of the site and erection of a new hospital, the city council is hereby authorized to issue the bonds of the city, in sums not less than one thousand dollars each, bearing any rate of interest not exceeding seven and three-tenths per centum per annum, payable semi-annually, the said bonds to be redeemable within thirty years from the date thereof, and shall not be disposed of at less than their par value. The aggregate amount of said bonds shall not exceed five hundred thousand dollars, and no portion thereof shall be dated prior to March 1st, 1867: provided, always, that said city council shall take no action to condemn property, as is provided in section one hereof, or to issue bonds, as is provided in the section of which this is a part, until said city council shall have first submitted, in manner and form as is hereinafter provided, to a vote of the qualified electors of said city, at an especial election to be held for that purpose, the question whether they shall build a hospital.

Council to
issue bonds.

Aggregate
amount of
bonds.

Question to
be first sub-
mitted to
electors.

SEC. 2. This act shall take effect from and after its passage, and the original section seven be and the same is hereby repealed.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

Relative to the state library.

WHEREAS, The accumulation of books in the state library makes it necessary that arrangements should be made for the completion of the library and the erection of the permanent galleries and shelving originally contemplated; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the state library are hereby authorized to procure and adopt suitable plans for the finishing of said library room with wooden alcoves, galleries and book cases, in such form and style as shall in their judgment secure the greatest economy of room and convenience of arrangement with a view to the future growth of the library.

Plans for
finishing
library.

SEC. 2. The said commissioners shall have power, upon the selection and completion of suitable plans, to proceed and complete the entire first story, including the floor for the second story, and the railing thereon, and to be done in such manner

What part
may be com-
pleted.

that a second story or tier of cases may at any time hereafter be added in conformity to the plan adopted.

Contracting
for work.

SEC. 3. In contracting for the purchase of materials and performance of the work specified in the last section, the said commissioners shall be governed by the rules prescribed to the trustees of the asylum for the education of idiotic children in the act for the erection of the new asylum for idiots.

SEC. 4. This act shall take effect from its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

To exempt certain persons therein named from performing labor on the public highways.

Pensioners
exempt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all pensioners of the United States government shall be, and they are hereby exempted from performing labor on the public highways, or upon the streets or alleys of any city or incorporated village, and from paying any fine or commutation whatever in lieu thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

Supplementary to an act passed April 2d, 1866, entitled an act to authorize the erection, improving, enlarging or constructing additions to town halls, and to repeal an act therein named.

Erection of
town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the legal voters of any incorporated village or city of the second class, having a population not exceeding sixteen thousand inhabitants, and the legal voters of the township in which said incorporated village is situated, be and are hereby authorized to erect on the public square of said incorporated village, or in the absence of such public square, upon such property as the town council of said incorporated village and township trustees may purchase, a town and township hall, upon such terms and conditions as the

town council of said village and the trustees of said township may agree upon under the act to which this is supplementary.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

To authorize the council of incorporated villages to levy a tax for sewerage purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village in this state are hereby authorized to levy a tax, not exceeding ten mills on the dollar valuation in any one year, on all the taxable property of such incorporated village, to be levied and collected as other taxes, to be expended by such council in establishing, constructing and repairing sewers and drains in such village.

Levy of tax
for construc-
tion of sew-
ers.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

For the enlargement of a culvert on the Miami and Erie Canal.

WHEREAS, The state of Ohio did, in the construction of the Miami and Erie canal, build a culvert under said canal, near the feeder lock in Concord township, Miami county, Ohio, which is entirely too small to pass the quantity of water which is conveyed to it by the stream running into it at an ordinary stage of water, and will be much more inadequate at the completion of the large and extended ditches which are already built, and in course of construction, by said township, which discharge their waters into said stream; and

WHEREAS, The citizens living and owning property on said stream, and near said culvert, are and must continue to be damaged in property in consequence of the overflow of their lands, unless said culvert be enlarged; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are authorized and required to enlarge the aqueduct or culvert under the

Enlargement
of culvert.

Miami and Erie canal, near the feeder lock in Concord township, Miami county, Ohio, or remove the cause of injury from overflow by any other means that may be effectual, at the least practicable cost, not exceeding four thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

3 Curwen,
1884.

To amend section twenty-six of an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852. (S. & C., 252.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-six of the act above mentioned be so amended as to read as follows:

Stopping of
railway
trains at cer-
tain towns.

Section 26. That every railroad company in this State shall cause all its trains of cars for passengers to entirely stop, upon each arrival at any station at any town or village having a population of three thousand, and all trains advertised by such company to stop at any station for the receiving of passengers shall stop the same at such station for a time sufficient to receive and let off passengers; and every company, and every person in the employment of such company, that shall violate, or cause or permit to be violated, the provisions of this section, shall forfeit and pay for each offense not more than one hundred, nor less than twenty-five dollars, to be recovered in a civil action, on complaint of any person before any justice of the peace of the county in which such violation shall occur, and in all cases of violation of the provisions of this section, the company whose agents shall cause or permit such violation, shall be liable for the amount of such forfeiture, and in all cases the conductor upon such train shall be held *prima facie* to have caused the violation of this section, which may occur by the train in his charge, and said forfeiture to be recovered in the name of the state of Ohio for the use of common schools.

Penalty for
refusing to
stop.

SEC. 2. That said section twenty-six is hereby repealed, and this act shall take effect from its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

Supplementary to "an act to authorize the erection, improving, enlarging or constructing additions to town halls, and to repeal an act therein named" passed April 2, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when a majority of the voters of any city of the second class having a population not exceeding sixteen thousand inhabitants, voting at any election under the provisions of the act to which this act is supplementary, shall have voted in favor of levying a tax on all the taxable property of such city for the erection of a town hall, or for improving, enlarging or constructing additions to town halls already erected, it shall be lawful for the city council of such city, and such council is hereby authorized to borrow money for that purpose in amount not exceeding twenty thousand dollars, and issue the bonds of the city for the payment of the money so borrowed, bearing interest at a rate not exceeding seven and three-tenths per cent. per annum, and payable at such time as the city council may fix, not exceeding fifteen years from the date thereof, which bonds shall not be sold for less than par.

Erection or improvement of town halls.

SEC. 2. For the purpose of paying the interest on the loans provided for in the preceding section, and the principal when the same shall become due, the council of such city is hereby authorized, in addition to the other taxes authorized by any other law than that to which this act is supplementary, to levy and assess annually upon the property subject to taxation in such city, all such taxes as may be necessary, not exceeding two mills on the dollar in any one year, to pay such interest when due, and to provide a sinking fund for the payment of such principal at maturity, which taxes shall be levied and collected as provided in the act to which this is supplementary, and the money so raised shall not be used for any other purpose.

Assessment to pay principal and interest of loan.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

To amend the eleventh section of an act entitled "an act to provide for locating, establishing and constructing ditches, drains and water courses," passed March 27th, 1861, (Ohio Laws, vol. 58, page 53), and to repeal the section so amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eleven of the aforesaid entitled act be and the same is hereby amended so as to read as follows:

Apportionment of expense of constructing ditch or drain.

Section 11. "That when any ditch, drain or water course located and established under this act crosses or drains, either in whole or in part, any public or corporated road or any rail road, or benefits any or either of said roads, so that the road bed or traveled track of any such road will be made better by the opening and constructing of any such ditch, drain or water course, the county commissioners shall apportion and set off to the county, if a county or state or free turnpike road; to the township, if a township road; to the company, if a corporated or railroad, a portion of the costs and expenses, and also a portion of the construction thereof, the same as to private individuals, (and in proportion to the benefits conferred by such ditch, drain or water course on such roads), and compel them to pay said costs and perform said labor in like manner."

SEC. 2. That section eleven so hereby amended be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.

ANDREW G. McBURNEY,
President of the Senate.

April 13, 1867.

AN ACT

3 Curwen.
1938.

Supplementary to an act entitled "an act to establish a code of civil procedure," passed March 11th, 1853. (S. & C. 940)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases when a cause pending in any of the courts of this state shall have been or may hereafter be referred by the court in which said cause may be pending, to a referee, master commissioner or special master commissioner for trial, with instructions to take testimony and report the same, together with his findings, to the court making the reference, the testimony so taken and reduced to writing by the referee, master commissioner or special master commissioner, signed by the witnesses giving the same and reported to the court, shall have all the force and effect of depositions regularly taken in the cause, and may be used as such at any subsequent stage of the cause, either upon a new trial, second trial, or appeal, subject to the restrictions of section three hundred and thirty-eight of an act entitled "an act to establish a code of civil procedure;" but nothing in this act shall be so construed as to prohibit any party from recalling any witness who may have testified, or from taking additional testimony.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.

ANDREW G. McBURNEY,
President of the Senate.

April 13, 1867.

Testimony taken by referee, master commissioner, &c.

AN ACT

To amend section fifteen of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853. (S. & C Stat. 943.)

3 Curwen,
1940.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifteen of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853, be amended so as to read as follows:

Section 15. Within four years: An action for trespass upon real property; an action for taking, detaining or injuring personal property, including actions for the specific recovery of personal property: provided, that in an action for the wrongful taking of personal property, the cause of action shall not be deemed to have accrued until the discovery of the wrong doer. An action for an injury to the rights of the plaintiff, not arising on contract, and not hereinafter enumerated. An action for relief on the ground of fraud. The cause of action in such case shall not be deemed to have accrued until the discovery of the fraud.

Actions with-
in four years.

SEC. 2. That section fifteen of the above recited act be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 13, 1867.

AN ACT

To provide for the creation and regulation of co-operative trade associations in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of natural persons, not less than ten, may become a body corporate, with all the rights, privileges and powers conferred by and subject to all the restrictions of this act.

SEC. 2. That any number of persons as aforesaid, associating themselves together for the purpose of purchasing grain, goods, groceries, fruits, vegetables, provisions, and any other articles of merchandise in quantity, and distributing the same to consumers at the actual cost and expense of purchasing, holding and distributing the same, shall, under their hands and seals, make a certificate specifying the object for which such corporation shall be formed; the name and style by which it shall be known; the name of the town, city or village, and county, in which the operations of such corporation are to be carried on; the amount of capital stock, not less than two thousand dollars, proposed; and the amount of each share of such stock. Such certificate shall be ac-

Certificate
specifying
object.

knowned before a justice of the peace or other proper officer, certified by the clerk of the court of common pleas, and forwarded to the secretary of state, who shall record and carefully preserve the same in his office, and a copy thereof, duly authenticated by the secretary of state, shall be forwarded by him to the recorder of the county in which the operations of such corporation are to be carried on; and every such certificate shall be recorded by such recorder in a book to be provided for that purpose.

SEC. 3. That when the foregoing provisions have been complied with, the persons named as incorporators in said certificate are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of this act; and they and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate, with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure, all such real and personal estate as may be necessary and convenient to carry into effect the object for which it was created; and such company shall possess all the powers and be subject to all the rules and restrictions provided by this act.

SEC. 4. The persons named in the certificate of incorporation, or a majority of them, shall be commissioners to open books for the subscription to the capital stock of said company, at such time and places as they shall deem proper; and the said company are authorized to commence operations upon the subscription of twenty five per cent. of said stock, and may elect directors after giving notice in some newspaper of general circulation in such county, of the time and place of election; which directors shall hold their offices until the first Monday of January next after such election, and until their successors are elected and qualified. A majority of the stockholders, at any meeting, shall constitute a quorum for the transaction of business, and each stockholder shall be entitled to but one vote.

SEC. 5. The annual meeting of the stockholders shall be held on the first Monday of January of each year, at which meeting the directors of the company shall be elected, and such other lawful business done as the stockholders shall deem necessary and proper; and should they fail to elect directors at the annual meeting, they shall hold a special meeting at some subsequent time for the purpose, by giving thirty days' notice thereof in some newspaper of general circulation in such county. The directors shall hold their offices until their successors are chosen and qualified, but no person shall be a director who is not a stockholder. Immediately after the election, the directors shall elect one of their number president of the corporation, and may appoint such other officers and agents as they may deem proper to transact their business, and prescribe the amount of compensation to be allowed to them for their services; and such officers, when required by the by-laws, shall give bonds to the satisfaction of the directors for the faithful discharge of the trusts committed

When deemed a body corporate.

Subscription to capital stock.

Time of commencing business and election of directors.

Annual meeting of stockholders.

Special meetings.

Appointment of president and other officers.

to them; and they shall have power, and are hereby authorized, to make such rules, regulations and by-laws as may be necessary for their regulation, not inconsistent with the constitution of this state. The directors shall have the general management of the affairs of the company, and may dispose of the residue of the capital stock at any time remaining unsubscribed, in such manner as the stockholders, for the time being, may prescribe, and may employ the capital and means of the company in the purchase of such articles of merchandise as they shall deem best for the company, and in the purchase or lease of such real and personal estate, subject always to the control of the stockholders, as may be necessary or convenient for purposes connected with and pertaining to said business, and they may adopt such plan of distribution of their purchases among the stockholders and others as they deem most convenient and best adapted to secure the ends proposed by their organization; and any profits that may arise from the business of the company they may divide, from time to time, as they shall deem expedient, among the stockholders, in proportion to the several amounts of their respective purchases. They shall cause a record to be kept of all stock subscribed and transferred, and of all business transactions; they shall also, when required, present to the stockholders reports in writing, of the situation and business of the company, and their books and records shall at all reasonable times be open to the inspection of any and every stockholder. And all stockholders of any company organized under the provisions of this act, shall be deemed and held liable to an amount equal to their stock subscribed, in addition to said stock, for the purpose of securing the creditors of such company.

Directors to have general management of affairs of company.

Record to be kept.

SEC. 6. This act shall take effect and be in force from and after the date of its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

Supplementary to an act entitled "an act to create a board of health in any city to prevent the spread of diseases therein," passed March 29, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act to create a board of health in any city to prevent the spread of diseases therein, passed March 29, 1867, be and the same are hereby extended to any incorporated village whenever the council of such village shall by ordinance adopt said act and agree to be governed by its provisions.

Establishment of board of health in villages.

SEC. 2. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

To authorize cities of the first class having a population of less than one hundred thousand to fund their floating indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class having a population less than one hundred thousand at the last federal census, for the purpose of paying any floating indebtedness of such city heretofore incurred, shall have the power to issue the bonds of such city, payable at such time as the city council may determine, not exceeding twelve years, and redeemable at any time after six years, at the pleasure of the council, bearing interest not exceeding six per cent. per annum, payable semi-annually, and when such bonds shall have been issued, a tax shall be levied and collected sufficient in amount to provide a sinking fund for their redemption as they come due, and the interest thereon, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May, 1852, which shall be appropriated to the payment of such bonds and interest, and to no other purpose; provided, that the whole amount of bonds issued under this act shall not exceed the sum of one hundred thousand dollars; provided, also, that the bonds hereby authorized to be issued shall not be sold at less than the par value thereof.

SEC. 2. That if the city council of any such city, or any officer or officers thereof shall knowingly divert or appropriate either such bonds or the proceeds thereof, or the tax or the sinking fund raised under this act to any other purpose than that to which they are by this act appropriated, every such person, on conviction, shall be fined in any sum not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail not less than twenty days nor more than six months, or both, at the discretion of the court.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 13, 1867.

Council may
issue bonds.

Sinking fund
for redemption
of bonds.

Penalty for
using bonds
for other pur-
poses.

AN ACT

To extend the provisions of an act passed April 5th, 1866, entitled "an act to authorize cities of the second class therein named, to impose a tax for bridge purposes," (Ohio Laws, vol. 63, page 120), to cities of the first class raised to that grade between decennial periods.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled an act to authorize cities of the second class therein named to impose taxes for bridge purposes, passed April 5th, 1866, be and the same are hereby extended to cities of the first class raised to that grade between decennial periods.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 13, 1867.

AN ACT

Ceding to the United States of America jurisdiction over certain lands and their appurtenances of the National Asylum for disabled volunteer soldiers, and exempting the same from taxation.

WHEREAS, The managers of the national asylum for disabled volunteer soldiers have accepted the Ohio Soldiers' Home, and are now caring for the disabled volunteer soldiers of this state therein, and are about to locate a permanent branch of the national asylum within this state, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That jurisdiction of the lands and their appurtenances, which may be acquired by donation or purchase, by the managers of the national asylum for disabled volunteer soldiers, within the state of Ohio, for the uses and purposes of the said asylum, be and is hereby ceded to the United States of America; provided, however, that all civil and criminal process issued under the authority of the state of Ohio, or any officer thereof, may be executed on said lands and in the buildings which may be located thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid; and, provided, further, that nothing in this act shall be construed to prevent the officers, employees and inmates of said asylum who are qualified voters of this state, from exercising the right of suffrage at all township, county, and state elections, in the township in which the said national asylum shall be located.

SEC. 2. That the land so acquired by the national asylum for disabled volunteer soldiers, with their appurtenances, and all the buildings which may be erected thereon, and all the personalty of every kind, now held, or which may hereafter be held by the board of managers for the uses and purposes of said asylum, shall forever hereafter be exempted from all state, county and municipal taxation and assessment

Lands, &c.
ceded to the
United
States.

Proviso as to
civil or criminal
process.

Proviso as to
right of suffrage.

Exemption
from taxation.

whatever, so long as the same shall remain the property of the United States, for the uses of the national asylum.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 13, 1867.

AN ACT

To punish trespassers on mining lands.

Penalty for
trespassing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person in mining for coal or other minerals in this state, shall willfully and without any lawful authority trespass upon the lands of another, every such person shall, upon conviction thereof, be fined in any sum not less than five nor more than one hundred dollars, or be imprisoned in the county jail not exceeding ten days, or both, at the discretion of the court; and if such person shall not cease to commit such trespass within twenty-four hours after the institution of a prosecution under this act, the committing of such trespass in each twenty-four hours thereafter by such person shall be deemed an additional offense against the provisions of this act, and he shall be liable to prosecution or prosecutions as aforesaid.

Aiders and
abettors—
how punish-
ed.

SEC. 2. That every person who shall counsel, advise and assist or abet any other person in the commission of the offense named in the first section of this act, or shall procure any other person to commit the same, shall be deemed, taken, and held to be guilty of a misdemeanor, and upon conviction thereof shall be punished in the same manner as the person committing the trespass would upon conviction have been; provided, that nothing in this act shall be so construed as to prevent the party injured by any such trespass from sustaining a civil suit for damages which he or she may sustain by the aforesaid offense.

How suits
are conduct-
ed when
lands belong
to more than
one person.

SEC. 3. In case of a prosecution for the above offense if the lands therein referred to shall be owned or occupied in common by two or more tenants, the affidavit, indictment or information shall be deemed sufficient if the name of any one or more of such tenants in common shall be named therein.

How prose-
cutions con-
ducted.

SEC. 4. That all prosecutions under this act shall be prosecuted in the manner provided by law for crimes of the second class and shall be commenced within one year from the time any such offense shall have become known; and all fines collected under the provisions of this act shall be paid into the treasury of the county where the offense shall have been committed, for the use of common schools of such county.

SEC 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ANDREW G. McBURNEY,
President of the Senate.

Passed April 15, 1867.

AN ACT

To amend section twenty-four (24) of an act entitled "an act to preserve the purity of elections," passed March 20, 1841. (S. & C., vol. 1, page 547) 1 Curwen, 772.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-four of the above recited act be amended so as to read as follows:

Section 24. If any judge of the election shall knowingly receive or sanction the reception of a vote from any person not having all the qualifications of an elector, prescribed by this act, or shall receive or sanction the reception of a ballot from any person who shall refuse to answer any question which shall be put to him in accordance with the provisions of the thirteenth section of this act, or who shall refuse to take the oath prescribed by the fifteenth section of this act, or shall refuse or sanction the refusal by any other judge of the board to which he shall belong, to administer either of the oaths or affirmations prescribed by the thirteenth and fifteenth sections of this act, or if any judge of the election shall refuse to receive, or shall sanction the rejection of a ballot from any person, knowing him to have all the qualifications of an elector, now required by law, or if any judge or clerk of the election on whom any duty is enjoined by this act, shall be guilty of any willful neglect of such duty or of any corrupt conduct in the execution of the same, such judge or clerk, on conviction thereof, shall be fined in any sum not less than one hundred and not exceeding one thousand dollars, or be imprisoned in the jail of the county not less than one month and not more than six months, or both, at the discretion of the court; provided, that all offenses committed prior to the taking effect of this act shall be prosecuted and punished in the same manner as if this act had not been passed.

Receiving
ballots from
illegal voters

Penalty
against
judges.

SEC. 2. That section twenty-four of the act to which this is amendatory be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ANDREW G. McBURNEY,
President of the Senate.

Passed April 15, 1867.

AN ACT

To protect furs, and to repeal certain acts therein named.

When unlawful to trap or kill certain animals.	<p>SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That it shall be unlawful for any person, between the fifteenth day of April and the fifteenth day of February following, to trap, catch, kill, or to pursue with such intent, on the premises of another, any muskrat, mink or otter; and it shall be unlawful for any person, at any time, to enter upon the premises of another without his consent, with a view of trapping, hunting, killing, or pursuing with intent to kill, any such animal or animals; and it shall furthermore be unlawful for any person to enter upon the premises of another, without his consent, and destroy, tear down, or in any manner injure the muskrat heaps or houses on such premises. Any person offending against any one of the provisions of this act, shall be fined in any sum not exceeding twenty-five dollars for each offense, nor less than two dollars, and costs of suit; and, moreover, any trap or traps which may be set or placed on the premises of another, without his consent, with the intent of catching any such animal or animals, shall be forfeited by the owner thereof, to whomsoever may find the same.</p>
Penalty.	<p>SEC 2. This act shall not be so construed as to prevent the catching and killing of any animals specified in the foregoing section, where there is danger of their doing injury to property, either public or private.</p>
Exception.	<p>SEC. 3. Prosecutions under this act may be had before any justice of the peace in the county where the act may be committed, or where the defendant may reside; the suit shall be brought in the name of the state of Ohio, and the fines, when collected, shall be paid into the treasury of the township where the offense is committed, for the use of common schools. The informer shall in all cases be liable for all costs taxed against the state; provided, that where there is a conviction, and the fine and costs cannot be collected by l.w, then the costs shall be paid out of the county treasury.</p>
Prosecutions—how commenced and conducted.	<p>SEC. 4. Section one of an act entitled "an act to protect the fur trade," passed January 18th, 1830, (S. & C. Stat., vol. 1, p. 660, vol. 29, L. L., p. 213); also "an act to protect the fur trade in the counties of Geauga and Huron," passed March 11th, 1831, (vol. 43, O. L. L., p. 140); also "an act to amend the act entitled 'an act to regulate the fur trade in the counties of Sandusky, Ottawa and Lucas,'" passed February 26th, 1845, and the original act to which the same was an amendment; also "an act to amend the act entitled 'an act to regulate the fur trade in the counties of Lucas and Ottawa,'" passed March 16th, 1840, and the original act thereby amended, be and the same are hereby repealed; provided, this repeal shall not affect any rights or liabilities accruing under either of said acts.</p>
Acts repealed. 3 Curwen, 255.	

SEC. 5. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed April 15, 1867.

AN ACT

To provide for the voluntary dissolution of corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the directors, trustees or other officers, having the management of the concerns of any corporation, or the majority of them, shall discover that the stock, property and effects of such corporation have been so far reduced, by losses or otherwise, that it will not be able to pay all just demands to which it may be liable, or to afford a reasonable security to those who may deal with such corporation; or whenever such directors, trustees or officers, or a majority of them, shall deem it beneficial to the interests of the stockholders that such corporation should be dissolved, and shall be thereto authorized by a majority of the stockholders; or whenever the objects of such corporation shall wholly fail, or be entirely abandoned, or it shall be impracticable to accomplish such objects, they may apply to the court of common pleas of the county, or to the superior court of the city or county in which the principal place of conducting the business of such corporation shall be situated, by petition, for a decree dissolving such corporation, pursuant to the provisions of this act.

Who may
 apply for a
 dissolution.

SEC. 2. Every such application shall contain a statement of the reasons which induce the applicants to desire a dissolution of the corporation, and there shall be annexed thereto:

Contents of
 application
 to be annexed.

1st. A full, just and true inventory of all the estate, both real and personal, in law and equity, of such corporation, and of all the books, vouchers and securities relating thereto.

2d. A full, just and true account of the capital stock, if any, of such corporation, specifying the names of the stockholders, their residence when known, the number of shares belonging to each, the amount paid in upon such shares respectively, and the amount still due thereon.

3d. A statement of all the incumbrances on the property of such corporation, and of all engagements entered into by such corporation which may not have been fully satisfied or canceled, specifying the place or residence of each creditor, and of every person to whom such engagements were made, if known, and if not known, the fact to be so stated; the sum owing to each creditor, the nature of each debt or demand, and the true cause and consideration of such indebtedness.

SEC. 3. To every such petition there shall also be annexed

- Affidavit.** an affidavit of the applicants, that the facts stated in such application, and the accounts, inventories and statements contained therein, or annexed thereto, are just and true, so far as such applicants respectively know, or have the means of knowing.
- Order to show cause.** SEC. 4. Upon such petitions, accounts, inventories and affidavit being filed, an order shall be entered requiring all persons interested in such corporation to show cause, if any they have, why such corporation should not be dissolved, before some referee or master commissioner appointed by the court, and to be named in such order, at some time and place therein to be specified, not less than three months from the date thereof.
- How published.** SEC. 5. Notice of the contents of such order shall be published once in each week, for three weeks successively, in some newspaper published, and of general circulation, in the county where the principal place of conducting the business of such corporation shall be situated.
- Proceedings of referee.** SEC. 6. On the day appointed in such order, such referee or master shall proceed to hear the allegations and proofs of such parties, and shall take testimony in relation thereto, and shall with all convenient speed report the same to the court, with the statement of the property, effects, debts, credits and engagements of such corporation, and of all other matters and things pertaining to the affairs of such corporation.
- When corporation to be dissolved.** SEC. 7. Upon the coming in of the report of the referee or master, if it shall appear to the court that such corporation is insolvent, or that a dissolution thereof will be beneficial to the stockholders and not injurious to the public interest, or that the objects of such corporation have wholly failed or been entirely abandoned, or that it is impracticable to accomplish such objects, a decree shall be entered dissolving such corporation, and appointing one or more receivers of its estate and effects; and such corporation shall thereupon be dissolved and cease.
- Receivers.** SEC. 8. Any of the directors, trustees, or other officers of such corporation, or any of its stockholders, may be appointed receivers, who, before entering upon the duties of their appointment, shall give such security to the state of Ohio, and in such penalty as the court shall direct, conditioned for the faithful discharge of the duties of their appointment, and for the due accounting for all moneys received by them.
- Security.**
- Their rights.** SEC. 9. Such receivers shall be vested with all the estate, real or personal, of such corporation, from the time of their having filed the security hereinbefore required, and shall be trustees of such estate, for the benefit of the creditors of such corporation and of its stockholders.
- Their authority.** SEC. 10. Such receivers shall have all the power and authority conferred by law upon trustees, to whom assignments have been made for the benefit of creditors.
- To prosecute for arrears of stock.** SEC. 11. If there shall be any sum remaining due upon any share of stock subscribed in such corporation, the receivers shall immediately proceed and recover the same, unless the person so indebted shall be wholly insolvent, and for that

purpose may commence and prosecute an action for the recovery of such sum, without the consent of any creditors of such corporation.

SEC. 12. The receivers, immediately on their appointment, shall give notice thereof, which shall contain the same matters required by law in notices of trustees of insolvent debtors, and in addition thereto, shall require all persons holding any open or subsisting contract of such corporation, to present the same in writing and in detail, to such receivers, at the time and place in such notice specified, which shall be published for three weeks in some newspaper printed, and of general circulation, in the county where the principal place of conducting the business of such corporation shall have been situated.

To give notice of appointment.

SEC. 13. All sales, assignments, transfers, mortgages and conveyances of any part of the estate, real or personal, including things in action, of every description, made after the filing of the petition for the dissolution thereof, in payment of, or as security for, any existing or prior debt, or for any other consideration, and all judgments confessed by such corporation after that time, shall be absolutely void as against the receivers who may be appointed on such petition, and as against the creditors of the corporation.

Certain sales void.

SEC. 14. After the first publication of the notice of the appointment of receivers, every person having possession of any property belonging to such corporation, and every person indebted to such corporation, shall account and answer for the amount of such debt, and for the value of such property, to the said receivers; and all the provisions of law in respect to trustees of insolvent debtors, the collection and preservation of the property of such debtors, the concealment and discovery thereof, and the means of enforcing such discovery, shall be applicable to the receivers so appointed, and to the property of such corporation.

Power of receivers.

SEC. 15. Such receivers shall have power to settle any controversy that shall arise between them and any debtors or creditors of such corporation, by arbitrament or reference.

Referring controversies

SEC. 16. The receivers shall be subject to all the duties and obligations by law imposed on trustees of insolvent debtors, so far as they may be applicable, except where other provisions shall be herein made. They shall call a general meeting of the creditors of such corporation within four months from the time of their appointment, when all accounts and demands for and against such corporation, and all its open and subsisting contracts, shall be ascertained and adjusted, as far as may be, and the amount of moneys in the hands of the receivers declared.

Meetings of creditors called.

SEC. 17. If there shall be any open and subsisting engagements on contracts of such corporation which are in the nature of insurances or contingent engagements of any kind, the receivers may, with the consent of the party holding such engagements, cancel and discharge the same by refunding to such party the premium or consideration paid thereon by such corporation, or so much thereof as shall be in the same proportion to the time which shall remain of any risk

Subsisting contracts.

assumed by such engagements, as the whole premium bear to the whole term of such risk, and upon such amount being paid by such receivers to the person holding or being the legal owner of such engagement, it shall be deemed cancelled and discharged as against such receivers.

Receivers'
commis-
sions.

SEC. 18. Such receivers shall, in addition to their actual disbursements, be entitled to such commissions as the court shall allow, not exceeding the sum allowed to executors or administrators, as well as their reasonable counsel fees for services rendered to them.

To retain cer-
tain moneys.

SEC. 19. The receivers shall retain out of the moneys in their hands, a sufficient amount to pay the sums which they are hereinbefore authorized to pay, for the purpose of canceling and discharging any open or subsisting engagements.

To meet suits

SEC. 20. If any suit be pending against a corporation, or against the receivers for any demand, the receivers may retain the proportion which would belong to such demand if established, and the necessary costs and proceedings in their hands, to be applied according to the event of such suit or to be distributed in a second or other dividend.

Order of pay-
ment of
debts.

SEC. 21. The receivers shall distribute the residue of the moneys in their hands, among all those who shall have exhibited their claims as creditors, and whose debts shall have been ascertained, as follows :

1st. All debts entitled to a preference under the laws of the United States.

2d. Mortgages, judgments, and other liens on the real estate of such corporation, in the order of their priority.

3d. All debts which are liens upon the capital stock or property of said corporation other than real estate, in the order of their priority and the extent of the value of the stock or other property on which they shall be liens.

Surplus to
stockholders.

SEC. 22. If, after the final dividend is made, there shall remain any surplus in the hands of the receivers, they shall distribute the same among the stockholders of such corporation in proportion to the respective amounts paid in by them severally on their shares of stock.

Dividends.

SEC. 23. It shall be lawful for the receivers of the property and effects of such corporation, from time to time, to make dividends of the moneys in their hands, among the creditors of such corporations, until the payment of such creditors in full ; and no dividend shall be made to the stockholders of such corporations until after the final dividend to creditors.

Under direc-
tion of court.

SEC. 24. Such receivers shall be subject to the direction and control of the court as to the time of making dividends, both to the creditors and stockholders of such corporation ; and as to the time of closing up the concerns of such corporations and rendering their final accounts.

Control of re-
ceivers.

SEC. 25. The receivers shall be subject to the control of the court, and may be compelled to account at any time ; they may be removed by the court, and any vacancy created by such removal by death or otherwise, may be supplied by the court.

SEC. 26. Whenever required by the court, the receiver or receivers shall render a full and accurate account of all their proceedings to the court, on oath, which may be referred to a referee or master commissioner, to examine and report thereon.

Account by them.

SEC. 27. Previous to rendering such account, the receivers shall insert a notice of their intention to present the same, once in each week, for three weeks, in some newspaper printed and of general circulation in the county, in which notices of dividends are herein required to be inserted, specifying the time and place at which such account will be rendered.

Previous notice thereof.

SEC. 28. The referee to whom such account shall be referred, shall hear and examine the proofs, vouchers and documents offered for or against such account, and shall report thereon fully to the court.

Referee's duty.

SEC. 29. Upon the coming in of such report, the court shall hear the allegations of all concerned therein, and shall allow or disallow such account, and decree the same to be final and conclusive upon all the creditors of such corporation, upon all persons who have claims against it, upon any open or subsisting engagement and upon all the stockholders of such corporation. Such receivers shall also account, from time to time, in the same manner and with the like effect, for all moneys which shall come to their hands after the rendering of such account, and for all moneys which shall have been retained by them for any of the purposes hereinbefore specified, and shall pay into court all unclaimed dividends.

Settlement of account; its effect.

SEC. 30. Any decree or order of the said court of common pleas, made upon any petition presented pursuant to the provisions of this article, shall be subject to an appeal to the district court in the same manner as other orders and decrees of the said court.

Appeal.

SEC. 31. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 15, 1867.

AN ACT

To regulate insurance companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter when any number of persons, as required by the first section of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852, associate to form an insurance company for any other purpose than life insurance, they shall publish a notice of such intention once in each week for at least four weeks, in a public newspaper in the county in which such insurance company is proposed to be

3 Curwen,
1887.

Publication of intention to form company.

Certificate. located, and shall also, under their hands and seals, make a certificate specifying the name assumed by such company and by which it shall be known, the object for which said company shall be formed, the amount of its capital stock, and the place where the principal office of said company shall be located, which certificate shall be acknowledged, certified and forwarded to the secretary of state, who shall submit the same to the attorney general for examination, and if found by him to be in accordance with the provisions of this act, and not inconsistent with the constitution and laws of this state and of the United States, he shall certify the same and deliver it back to the said secretary, who shall have the right to reject any name or title of any company applied for, when he shall deem the name too similar to one already appropriated, or likely to mislead the public.

When deemed a body corporate. SEC. 2. Upon the approval of said certificate by the attorney general and the secretary of state, the said secretary of state shall cause it to be recorded and copied in the same manner as is provided in the second section of said act; and said persons, when incorporated, and having in all respects complied with the provisions of this act, are hereby authorized to carry on the business of insurance, as named in such certificate of incorporation, and by the name and style provided therein, shall be deemed a body corporate with succession; they and their associates, successors and assigns, to have the same general corporate powers, and be subject to all the obligations and restrictions of said act, and of the acts amendatory and supplementary thereto, except as herein provided.

Amount of capital. SEC. 3. No joint stock company shall be incorporated under this act with a smaller capital than one hundred thousand dollars, nor more than one million dollars, as may be specified in the certificate of incorporation, which stock shall be divided into shares of twenty dollars each, nor shall any company on the plan of mutual insurance, commence business in this state until agreements have been entered into for insurance with at least two hundred applicants, the premiums on which shall amount to not less than fifty thousand dollars, of which at least twenty thousand dollars shall have been paid in cash, and notes of solvent parties founded on actual and bona fide applications for insurance shall have been received for the remainder. No one of the notes received as aforesaid shall amount to more than five hundred dollars, and no two shall be given for the same risk, or be made by the same person or firm, except where the whole amount of such notes shall not exceed five hundred dollars; nor shall any note be represented as capital stock unless a policy be issued upon the same within thirty days after the organization of the company, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable, in part or in whole, at any time when the directors shall deem the same requisite for the payment of losses by fire or inland navigation, and such incidental expenses as may be necessary for transacting the business of

When company may commence business.

Notes and risks.

said company. And no note shall be accepted as part of such capital stock, unless the same shall be accompanied by a certificate of a justice of the peace of the town or city where the person making such note shall reside, that the person making the same is, in his opinion, pecuniarily good and responsible for the same, and no such note shall be surrendered during the life of the policy for which it was given.

SEC. 4. Having published the notice, and filed publisher's proof of such publication with the secretary of state, together with the certificate as required by the first section of this act, the persons named in the certificate of incorporation, or a majority of them, shall be commissioners to open books for the subscription of stock in the company, at such times and places as they shall deem convenient and proper, and shall keep the same open until the full amount specified in the certificate is subscribed; or in case the business of such company is proposed to be conducted on the plan of mutual insurance, then open books to receive propositions and enter into agreements in the manner and to the extent specified in the third section of this act.

Subscription
of stock.

SEC. 5. The affairs of any company organized under this act shall be managed by not more than twenty-one or less than five directors, all of whom shall be stockholders. Within one month after the subscription books shall have been filed, a majority of the subscribers shall hold a meeting for the election of directors, each share entitling the holder thereof to one vote; and the directors then elected shall continue in office until the first or third Monday in January thereafter, as the by-laws of the company may direct, and until others have been chosen to succeed them in the trust, and have accepted the same.

Election of
directors.

SEC. 6. It shall be lawful for any insurance company organized under this act, or incorporated under any law of this state, to invest its capital, and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on unincumbered improved real estate within the state of Ohio, worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company, and also in the stocks of this state, or stocks or treasury notes of the United States, and also in the stocks and bonds of any county or incorporated city in this state, authorized to be issued by the legislature, and to lend the same, or any part thereof, on the security of such stocks or bonds, or treasury notes, or upon bonds and mortgages as aforesaid, and to change and reinvest the same as occasion may from time to time require; but any surplus money over and above the capital stock of any such insurance companies, or any insurance companies incorporated under any law of this state, may be invested in or loaned upon the pledge of the public stock or bonds of the United States, or any one of the states, or the stocks, bonds or other evidences of indebtedness of any solvent dividend paying institutions incorporated under the laws of this state or of the United States, except their own stock;

Funds of
company—
how invest
ed.

provided, always, that the current market value of such stocks, bonds, or other evidences of indebtedness, shall be at all times, during the continuance of such loans, at least ten per cent. more than the sum loaned thereon.

Examination
of stock, cap-
ital, &c.

SEC. 7. Upon receiving notification that the proceedings required by the sections foregoing have been had, the auditor of state shall cause an examination to be made, either by himself or by some disinterested person, specially appointed by him for that purpose, who shall certify under oath that the capital herein required of the company named, according to the nature of the business proposed to be transacted by such company, has been paid in and is possessed by it in money, or in such stocks and bonds and mortgages as are required by the sixth section of this act, or if a mutual company, that it has received and is in actual possession of the capital, premiums, or bona fide engagements of insurance, or other securities, as the case may be, to the extent and value required by the sixth section of this act; and the name and residence of the maker of each premium note forming part of the capital, and the amount of such note, shall be returned to the said auditor; and the corporators or officers of such company shall be required to certify, under oath, that the capital exhibited to those persons is bona fide property of the company. Such certificates shall be filed in the office of the said auditor, who shall thereupon deliver to such company a certified copy of said certificates, which, on being placed on record in the office of the recorder of the county where the company is to be located, by the recorder in a book provided for that purpose by him, shall be their authority to commence business and issue policies; and such certified copy of said certificates may be used in evidence for or against said company, with the same effect as the originals.

Certificate.

Insurance of
buildings;

—merchan-
dise, &c.

—health, ac-
cidents and
death;
—persons
holding pla-
ces of trust;

—live stock;

Loaning
money.
Self-insur-
ance.

SEC. 8. It shall be lawful for any company organized under this act, first, to insure houses, buildings, and all other kinds of property, against loss or damage by fire, in and out of the state; and to make all kinds of insurance on goods, merchandise and other property, in the course of transportation, whether on land or water, or on any vessel or boat, wherever the same may be; second, to make insurance upon the health of individuals, and against personal injury, disablement or death, resulting from traveling, or general accidents by land or water; third, to insure the fidelity of persons holding places of public or private trust; fourth, to receive on deposit and insure the safe keeping of books, papers, moneys, stocks, bonds, and all kinds of personal property; fifth, to insure horses, cattle and other live stock against loss or damage by accident, theft or death, or any unknown or contingent event whatever, which may be the subject of legal insurance; to lend money on bottomry or respondentia, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may have made on mortgage, bottomry or respondentia, and generally to do and perform all other

matters and things proper to promote these objects; provided that no company shall be organized to issue policies of insurance for more than one of the above five mentioned purposes, and no company that shall have been organized for either one of said purposes, shall issue policies of insurance for any other; and no company organized under this act, or transacting business in this state, shall expose itself to loss on any one risk or hazard, to an amount exceeding twenty per cent. on its paid up capital, unless the excess shall be re-insured by the same in some other good and reliable company; and provided, that the restriction as to amount of risk any company shall assume, shall not apply to companies organized to guarantee the fidelity of persons in places of public or private trust, nor to companies that receive on deposit and guarantee the safe keeping of books, papers, moneys, and other personal property.

Limitation.

SEC. 9. The annual meeting for the election of directors shall be holden on the first or third Monday in January, as the by-laws of the company may direct: provided, however, that if for any cause the stockholders shall fail to elect directors at any annual meeting, they may hold a special meeting on some subsequent day for the purpose, by giving notice thereof thirty days in some newspaper in general circulation in the county where the principal office of the company shall be kept; and the directors chosen at any such annual or special meeting shall continue in office until the next annual meeting, and until their successors duly elected shall have accepted.

Annual meeting for election of directors.

SEC. 10. The directors shall choose, by ballot, a president from their own number, and shall fill all vacancies that may arise in the board or in the presidency thereof; and the board of directors thus constituted, or a majority of them, when convened at the office of the company, shall be competent to exercise all the powers vested in them by this act.

President.

SEC. 11. The directors of any such company shall have power to appoint a secretary, and any other officers or agents necessary for transacting the business of the company, paying such salaries and taking such securities as they may judge reasonable; they may ordain and establish by-laws and regulations not inconsistent with this act, or with the constitution and laws of this state and of the United States, as shall appear to them necessary for regulating and conducting the business of the company; and it shall be their duty to keep full and correct entries of their transactions, which shall at all times be open to the inspection of the stockholders.

Secretary and agents.

By-laws and regulations.

SEC. 12. All policies or contracts of insurance made or entered into by the company, may be made either with or without the seal thereof; they shall be subscribed by the president or such other officer as may be designated by the directors for that purpose, and shall be attested by the secretary, and, being so subscribed and attested, they shall be obligatory on the company.

Policies.

SEC. 13. Transfers of stock may be made by any shareholder, or his legal representative, subject to such restric-

Transfer of stock.

tions as the directors shall from time to time make and establish in their by-laws, except as provided in sections twenty-nine and thirty of this act.

Increase of
capital stock.

SEC. 14. That whenever any company organized under this act, with less than the maximum capital limited in section three, shall, in the opinion of the directors thereof, require an increased amount of capital, they shall, if authorized by the holders of a majority of the stock, file with the secretary of state a certificate setting forth the amount of such desired increase, not exceeding said maximum, and thereafter such company shall be entitled to have the increased amount of capital fixed by said certificate, and the examination of securities composing the capital stock thus increased, shall be made in the same manner as is provided in section seven of this act, for capital stock originally paid in.

Dividends.

SEC. 15. It shall not be lawful for the directors, trustees or managers of any insurance company to make any dividend, except from the surplus profits arising from their business; and in estimating such profits there shall be reserved therefrom a sum equal to fifty per cent. of the amount received for premiums on unexpired risks and policies, which are hereby declared to be unearned premiums, and also there shall be reserved all sums due the corporation on bonds and mortgages, bonds, stocks and book accounts, of which no part of the principal or interest thereon has been paid during the last year, and for which foreclosure or suit has not been commenced for collection, or which, after judgment obtained thereon, shall have remained more than two years unsatisfied, and on which interest shall not have been paid; and also there shall be reserved all interest due or accrued and remaining unpaid. Any dividend made contrary to these provisions shall subject the company making the same to a forfeiture of its charter.

Real estate—
what compa-
ny may hold
or purchase.

SEC. 16. No company organized under this act shall purchase, hold or convey real estate, excepting for the purposes and in the manner herein set forth, to wit:

1. Such as shall be requisite for its convenient accommodation in the transaction of its business; or,
2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for money due; or,
3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in their legitimate business, or for money due; or,
4. Such as shall have been purchased at sales upon judgment, decrees or mortgages obtained or made for such debts; and it shall not be lawful for any such company to purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company in the transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title thereto, unless the company shall procure a certificate from the auditor of state that the interests of the company will suffer materially by a forced

sale thereof, in which event the sale may be postponed for such period as the said auditor shall direct in said certificate.

SEC. 17. All notes deposited with any mutual insurance company at the time of its organization, as provided in section three, shall remain as security for all losses and claims until the accumulation of the profits, invested as required by the sixth section of this act, shall equal the amount of cash capital required to be possessed by stock companies organized under this act, the liability of each note decreasing proportionately as the profits are accumulated; but any note which may have been deposited with any mutual insurance company subsequent to its organization, in addition to the cash premium on any insurance effected with such company, may, at the expiration of the time of such insurance, be relinquished and given up to the maker thereof, or his representatives, upon his paying his proportion of losses and expenses which may have accrued thereon during such term. The directors or trustees of any such company shall have the right to determine the amount of the note to be given in addition to the cash premium by any person insured in such company; but in no case shall the note be more than five times the whole amount of the cash premium. And every person effecting insurance in any mutual company, and also their heirs, executors, administrators and assigns, continuing to be so insured, shall thereby become members of said corporation during the period of insurance, and shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or notes. The directors shall, as often as they deem necessary, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective portion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the officers of the company within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after the publication of said notice, and after personal demand for payment shall have been made, neglect or refuse to pay the sum assessed upon him as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with cost of suit; but execution shall only issue for assessments and costs as they accrue, and every such execution shall be accompanied by a list of losses for which the assessment is made. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by the said company shall receive, towards making good their respective losses, a proportional share of the whole amount of said notes, according to the sums by them respectively in-

Notes to remain as security against losses, except in certain cases.

Members of mutual companies liable for losses.

Directors to apportion losses.

Proceedings when members refuse or neglect to pay.

sured ; but no member shall ever be required to pay, for any loss occasioned by fire or inland navigation, more than the whole amount of his deposit note.

How policy
indorsed.

SEC. 18. Every insurance company hereafter organized as provided in this act, shall, if it be a mutual company, embody the word "mutual" in its title, which shall appear upon the first page of every policy and renewal receipt ; and every company doing business as a cash stock company shall, upon the face of its policy, in some suitable manner, express that such policy is a stock policy.

Annual state-
ment to audi-
tor of state.

SEC. 19. It shall be the duty of the president or vice president and secretary of each company organized under this act, or incorporated under any law of this state, annually, on the first day of January, or within one month thereafter, to prepare, under oath, and deposit in the office of the auditor of state, a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, in the following form, namely :

Contents of
annual state-
ment.

FIRST. The amount of the capital stock of the company.

SECOND. The property or assets held by the company, specifying :

1. The value, or nearly as may be, of the real estate held by such company.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same are deposited.

3. The amount of cash in the hands of agents and in course of transmission.

4. The amount of loans secured by bonds and mortgages, constituting the first lien on real estate, on which there shall be less than one year's interest due or owing.

5. The amount of loans on which interest shall not have been paid within one year previous to such statement.

6. The amount due the company on which judgments have been obtained.

7. The amount of stocks of this state, of the United States, of any incorporated city of this state, and of any other stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stock.

8. The amount of stocks held thereby as collateral security for loans, with the amount loaned on each kind of stock, its par value and market value.

9. The amount of assessments on stock or premium notes paid and unpaid.

10. The amount of interest actually due and unpaid.

11. The amount of premium notes on which policies are issued.

THIRD. The liabilities of such company, specifying :

1. The amount of losses due and yet unpaid.

2. The amount of claims for losses resisted by the company.

3. The amount of losses incurred during the year, including those claimed and not yet due, and of those reported to the company upon which no action has been taken.

4. The amount of dividends declared and due, and remaining unpaid.

5. The amount of dividends, either cash or scrip, declared but not yet due.

6. The amount of money borrowed and security given for the payment thereof.

7. The amount of all other existing claims against the company.

FOURTH. The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.

2. The amount of notes received for premiums.

3. The amount of interest money received.

4. The amount of income received from other sources.

FIFTH. The expenditures during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior, and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

4. The amount paid in taxes.

5. The amount of all other payments and expenditures.

SEC. 20. The auditor of state is hereby authorized and empowered to address any inquiries to any insurance company, in relation to its doings and condition, or any other matter connected with its transactions, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries.

Inquiries and answers.

SEC. 21. The statement of any company, the capital of which is composed, in whole or in part, of notes, shall, in addition to the foregoing, exhibit the amount of notes originally forming the capital, and also what proportion of said notes is still held by such company and considered capital. Every insurance company organized under any law of this state failing to make and deposit such statement or to reply to any inquiry of the said auditor, shall be subject to a penalty of five hundred dollars; and an additional five hundred dollars for every month that such company shall continue thereafter to transact any business of insurance.

Additional statement.

Penalty for failing to make statement, &c.

SEC. 22. It shall be the duty of the auditor of state to cause to be prepared and furnished to each of the companies, and to the attorneys or agents of companies incorporated by other states and foreign governments, printed forms of the statements required by this act; and he may, from time to time, make such changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Auditor to furnish printed forms for statement.

Printing of
statements,
&c.

SEC. 23 It shall be the duty of the auditor of state to cause the information contained in the statements required by the foregoing section to be arranged in a tabular form, and prepare the same in a single document for printing, including a report of the receipts and expenditures of his office in this department during the year. Such report shall be made on or before the first day of March, and five hundred copies shall be printed for the use of the auditor and the same number for the use of the legislature.

Insurance by
foreign com-
panies.

SEC. 24. It shall not be lawful for any insurance company, association or partnership, organized or associated for any of the purposes specified in this act, incorporated by or organized under the laws of any other state of the United States or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this state, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; and any such company desiring to transact any such business, as aforesaid, by an agent or agents in this state, shall file with the auditor of state a written instrument duly signed and sealed, authorizing any agent or agents of such company in this state to acknowledge service of process for and in behalf of such company in this state, consenting that service of process, mesne or final, upon any such agent or agents, shall be taken and held to be as valid as if served upon the company according to the laws of this or any other state, and waiving all claim or right of error by reason of such acknowledgment or service; and also a certified copy of their charter, or deed of settlement, together with a statement under the oath of the president or vice president or other chief officer, and the secretary of the company for which he or they may act, stating the name of the company and place where located; the amount of its capital, with a detailed statement of the facts and items as required from companies organized under the laws of this state, as per section nineteen, also a copy of the last annual report, if any, made under any law of the state by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue.

Deposit of
stocks by
foreign com-
panies.

SEC. 25. Any company incorporated by or organized under any foreign government shall, in addition to the foregoing, deposit with the auditor of state, for the benefit and security of policy holders residing in this state, a sum not less than one hundred thousand dollars in stocks of the United States or of the state of Ohio, in all cases to be, or to be made to be equal to a stock producing six per cent. per annum, said stocks not to be received by said auditor at a rate above their par value, or above their current market value; or in bonds and mortgages on improved unincumbered real estate in the state of Ohio, worth fifty per cent. more than the amount loaned thereon; the stocks and securities so deposited may be exchanged from time to time for other securities receivable as aforesaid, and so long as the company so depositing shall con-

tinue solvent and comply with the laws of this state, may be permitted by said auditor to collect the interest or dividends on said deposit; and where a deposit is made of bonds and mortgages, accompanied by full abstracts of title and searches, the fees for an examination of title by counsel to be paid by the party making the deposit, shall not exceed twenty dollars for each mortgage; and the fees for an appraisal of property shall be five dollars to each appraiser, not exceeding two, besides expenses for each mortgage; nor shall it be lawful for any agent or agents to act for any company or companies referred to in this section, directly or indirectly, in taking risks or transacting the business of insurance in this state without procuring from the auditor of state a certificate of authority stating that such company has complied with all the requisitions of this act which apply to such companies; a certified copy of such certificate of authority, with statement, must be placed on record by the agent in the office of the recorder of every county where such company has agents.

Fees of
appraisers.

Certificate
of authority.

SEC. 26. The statements and evidences of investments required of foreign companies as above, shall be renewed from year to year in such manner and form as may be required by said auditor, with an additional statement of the amount of premiums received and losses incurred in this state during the preceding year, so long as such agency continues; and the said auditor, on being satisfied that the capital, securities and investments remain secure, as hereinbefore provided, shall furnish a renewal of his certificate as aforesaid, and the agent or agents obtaining such certificate shall cause the same to be recorded in the office of the recorder of the county in which such agency shall be established, within the month of January; the fees for each certificate of authority and certified copy thereof shall be five dollars. But any company organized under or incorporated by any foreign government may furnish and file such annual statements and evidences in the month of November in each year, made out for the year ending on the preceding thirty-first day of December: provided, that such company shall also furnish a supplementary statement during the month of January, for the year ending on the preceding thirty-first day of December, verified by the manager of such company residing in the United States; such supplementary statement shall comprise a report of their business and affairs in the United States, as required from companies organized in this state, together with any other information that may be required by the auditor of state.

Renewal of
statements,
&c.

Renewal of
certificates

SEC. 27. Any violation of any of the provisions of the foregoing sections relating to foreign companies shall subject the party violating to a penalty of five hundred dollars for each violation, and of the additional sum of one hundred dollars for each month during which any such agent shall neglect to file such affidavits and statements as are herein required. Every agent of any insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town or village, in which the company is located, and the state or government under the

Penalty for
violations by
foreign com-
panies.

Agents to
publish loca-
tion of com-
pany.

laws of which it is organized. The term agent or agents used in the foregoing sections shall include an acknowledged agent or surveyor, or any other person or persons, who shall, in any manner, directly or indirectly, aid in transacting the insurance business of any insurance company not incorporated by the laws of this state. The provisions of the foregoing sections shall apply to all foreign companies, partnerships, associations and individuals, whether incorporated or not.

Penalty for refusal to make annual statement.

SEC. 28. In case of neglect or refusal to make such annual statement as aforesaid, all persons acting in this state as agents or otherwise in transacting the business of insurance for said companies, corporations, associations, partnerships or individuals, shall be subject to the same penalties provided by law in case of the failure of any insurance company, organized under the laws of this state, to make an annual statement as now provided by law.

Examination of offices of companies.

SEC. 29. It shall be the duty of the auditor of state, whenever he shall deem it expedient so to do, at his option, to appoint one or more persons, not officers of any insurance company doing business in this state, to examine into the affairs of any insurance company incorporated in this state, or doing business by its agents in this state, or to make such examination himself; and it shall be the duty of the officers or agents of such company doing business in this state to cause their books to be opened for the inspection of the auditor or the person or persons so appointed, and otherwise to facilitate such examination so far as it may be in their power to do; and for that purpose the said auditor, or person or persons so appointed by him, shall have power to examine, under oath, the officers and agents of any company relative to the business of said company; and whenever the said auditor shall deem it for the interest of the public so to do, he shall publish the result of such investigation in one or more papers in this state; and whenever it shall appear to the said auditor, from such examination, that the assets of any company incorporated in this state are reduced more than twenty per cent. below the capital stock required by this act, or its charter, he may direct the officers thereof to require the stockholders to pay in the amount of such deficiency within such period as he may designate in such requisition, or he shall communicate the fact to the attorney general, whose duty it shall then become to apply to the supreme court for an order requiring them to show cause why the business of such company should not be closed, and the court shall thereupon proceed to hear the allegations and proofs of the respective parties; and in case it shall appear to the satisfaction of said court that the assets and funds of said company are not sufficient, as aforesaid, or that the interests of the public so require, the said court shall decree a dissolution of said company and distribution of its effects. The supreme court shall have power to refer the application of the attorney general to a referee, to inquire into and report upon the facts stated herein.

Insufficiency of assets.

SEC. 30. Any company receiving the aforesaid requisition

from the said auditor, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of said company; and in case any stockholder of such company shall refuse or neglect to pay the amount so called for, after notice personally given or by advertisement, in such time and manner as the said auditor shall approve, it shall be lawful for the said company to require the return of the original certificate of stock held by such stockholder, and in lieu thereof to issue new certificates for such number of shares as the said stockholder may be entitled to in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company; the value of such shares for which new certificates shall be issued to be ascertained under the direction of the said auditor, and the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new stock and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company. And in the event of any additional losses accruing upon new risks, taken after the expiration of the period limited by the said auditor in the aforesaid requisition for the filling up of the deficiency in the capital of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof.

How assets of the company may be increased.

SEC. 31. If upon such examination it shall appear to the said auditor that the assets of any company chartered on the plan of mutual insurance under this act are insufficient to justify the continuance of such company in business, it shall be his duty to proceed in relation to such company in the same manner as is herein required in regard to joint stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the period limited by the said auditor for filling up the deficiency in the capital, and before such deficiency shall have been made up. Any transfer of the stock of any company organized under this act, made during the pending of any such investigation, shall not release the party making the transfer, from his liability for losses which may have accrued previous to the transfer.

When and how mutual companies may be discontinued.

Trustees and directors individually liable for losses.

SEC. 32. The auditor of state shall be authorized to examine into the condition and affairs of any insurance company, as provided for in this act, doing business in this state, not organized under the laws of this state, or cause such examination to be made by some person appointed by him; and whenever it shall appear to the satisfaction of said auditor that the affairs of any such company are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to be published in some newspaper of general circulation, published in the city of Columbus, and the agent or agents of such company is, after such notice, required to discontinue the issuing of any new policy, or the renewal of any previously issued.

When auditor may revoke certificates granted

SEC. 33. Every penalty provided for by this act shall be

How penalties recovered and disposed of

sued for and recovered in the name of the state of Ohio, by the prosecuting attorney of the county in which the company or the agent or agents so violating shall be situated, and one-half of said penalty, when recovered, shall be paid into the treasury of said county, and the other half to the informer of such violation; and in the case of the non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof. Such penalties may also be sued for and recovered in the name of the state of Ohio, by the attorney general, and when sued for and collected, by him, shall be paid into the state treasury.

SEC. 34. Every county recorder shall demand and receive for recording the certificates, or licenses mentioned in this act, the same fees that are allowed by law for recording deeds and other instruments of writing.

Fees to be paid by companies.

SEC. 35. There shall be paid by every company, association, person or persons, or agent, to whom this act shall apply, the following fees towards paying expenses of executing this act: For the filing and examination of the first application of any company, and the issuing of the license thereupon, thirty dollars; for filing the annual statement now required, twenty dollars; for each certificate of authority and certified copy thereof, five dollars; for every copy of paper filed as herein provided, the sum of ten cents per folio, and for affixing the seal of said office to such copy and certifying the same, one dollar. All of said fees to be paid into the state treasury by said auditor of state; provided, that any company may pay into the state treasury the sum of two hundred and fifty dollars, and upon said payment shall be entitled to issue policies, and transact other business, in all the counties of this state (without the payment of the five dollars in each county.)

Agencies of companies in other states.

SEC. 36. Whenever the existing or future laws of any other state of the United States, shall require of insurance companies incorporated by or organized under the laws of this state, and having agencies in such other states, or of the agents thereof, any deposit of securities in such state for the protection of policy holders, or otherwise, or any payment for taxes, fines, penalties, certificates of authority, license fees, or otherwise, greater than the amount required for such purposes from similar companies of other states by the then existing laws of this state, then, and in every such case, all companies of such states establishing or having heretofore established an agency or agencies in this state, shall be and are hereby required to make the same deposit for a like purpose with the auditor of this state, and to pay to said auditor for taxes, fines, penalties, certificates of authority, license fees, or otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such state upon the companies of this state and the agents thereof.

Duties of insurance companies.

SEC. 37. It shall be the duty of every insurance company of the kind provided for in this act, doing business in this state, organized under the laws of this state, or of any other state or nation, to publish, at least, once a year, in some

newspaper of general circulation, in every county where such company has an agent, or transacts business, a certificate from the auditor of state that such company has, in all respects, complied with the laws of the state relating to insurance. Said certificate shall also contain a statement, under the oath of the president or secretary of such insurance company, of the actual amount of paid up capital, the aggregate amount of assets and liabilities, at the date of such certificate, together with the aggregate income and expenditures of such company for the year preceding the date of such certificate.

SEC. 38. The necessary expenditure of any examination made or ordered to be made by the auditor of state under this act, shall be certified to by him, and paid on his warrant by the treasurer of state.

SEC. 39. This act shall take effect immediately upon its passage; provided, that companies other than those organized under the laws of this state which may have received license for the year 1867, prior to the passage of this act, shall not be obliged to renew application during said year, but such companies shall be subject to examination at the discretion of the auditor of state, as per section thirty-two; also provided, that the examination of companies already organized under the laws of this state, shall, for the year 1867, be made in the month of July next, at which date at least twenty per cent of the capital claimed shall have been paid in; and provided further, that the directors of the company so organized shall, before making any dividend of surplus profits, payable to the stockholders, set apart and credit upon the stock-notes, a sum equal to, at least, twenty-five per cent. of the net surplus, exclusive of the reinsurance fund, and no dividend shall be declared without such credit being made on the stock notes until the same shall have been fully paid up.

When act to
take effect.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 15, 1867.

AN ACT

To authorize the county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That after the passage of this act, free turnpike roads shall be authorized, and commissioners appointed to lay out and establish the same in the following manner, to wit: When a majority of all the resident landholders residing in the bounds of any free turnpike, as provided in this act, shall present a petition to the board of county commissioners, at any regular session of their board, asking the appointment of commissioners to lay out and establish a free turnpike road between any points within such county, and

Petition of
land holders

Appointment
of commis-
sioners.

Organization
of board.

Locating
road.

Bond of
commission-
ers.

Appointment
of superin-
tendent.

Subscrip-
tions and do-
nations.

Gravel and
other mate-
rial, how ob-
tained.

shall satisfy such commissioners that public notice has been given by advertisement in some newspaper of general circulation in such county, of such intended application, for at least four consecutive weeks preceding such general meeting, said commissioners shall appoint three judicious freeholders of the county to be commissioners of such free turnpike road, who, by the name fixed by said county commissioners, shall be a body corporate, for the purpose of laying out and establishing a free turnpike road between the points within such county named by the said commissioners; such appointment and points in said road shall be entered upon the minutes of said board of county commissioners, and a certified copy of such entry furnished to such road commissioners on demand.

SEC. 2. That said commissioners shall meet within three months after their appointment, and organize by choosing one of their members president of said board; they shall then take measures to view, locate and establish such roads; and of all such locations they shall file a copy with the auditor of the county in which said road is located; provided, that said commissioners, before entering upon their duties, shall severally give a bond in such sum, and with such security, as the county commissioners of the county in which such road is located, and to whom such bond may be presented for approval, shall think proper, and shall moreover each take an oath faithfully and honestly to discharge the duties required of him by law.

SEC. 3. That the commissioners named in this act shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any power devolving upon or entrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested or desiring to inspect the same.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof available for travel or transportation, and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road; and the said commissioners shall have the power to contract for and purchase such stone, gravel or other material as may be necessary for the construction and keeping in repair said road; and if the commissioners and the owners of such stone, gravel or other material cannot agree on a price deemed fair and reasonable, the commissioners may apply to the judge of the probate court of the county to appoint appraisers to assess the value of said stone, gravel or other material, and on the filing of such application it shall be the duty of such probate judge of the county to appoint three

disinterested freeholders, who, after being duly sworn to impartially assess the value of the said materials, or any part of the same, shall enter upon the premises of the owner or owners of said materials, and assess the value thereof; they shall also assess the damages that will accrue to the owner or owners of said material by the removing of the same through his premises; the appraisers shall, within ten days after their appointment, return their award to the probate court; thereupon the probate judge shall require the said commissioners to pay for or give security for the payment of all materials to be taken, and damages done to the owner of the premises; the judge of the probate court shall, in ten days after the return of said award, on application of the commissioners, furnish them a copy of said award; thereupon said commissioners may enter upon the lands either enclosed or unenclosed, and remove such stone, gravel or other materials as may be required to make a good road; provided an appeal has not been taken from said award in twenty days, as provided in this section; provided further, that an appeal from the decision of the appraisers may be taken by either party to the court of common pleas, within twenty days after the rendering of said award; provided that the appellant shall enter into an undertaking to the adverse party in a sum not less than fifty dollars, and in all cases not less than double the amount of such award.

SEC. 5. The commissioners shall have power to receive donations of land to aid in the construction of said road and to sell and convey the same in fee simple, and they may take releases of the right of way.

Donations of land.

SEC. 6. That for the purpose of constructing free turnpike roads authorized by this act, extra taxes may be levied, as hereinafter provided, on all property, real and personal, within one mile of said free turnpike road, on each side thereof, except when any county, state, or free turnpike road shall cross said road, or run on either side, in less than two miles, then the taxes shall be laid only one-half the distance to such roads; and at the beginning and end of said road a line shall be run at right angles from the same for one mile, and all land and personal property within one mile of said road, except when a division is made with other roads, as heretofore provided, shall be subject to the taxes aforesaid.

Extra tax levied within certain distance.

SEC. 7. That all road taxes, and extra free turnpike taxes, and the two days labor authorized by law within the bounds of such free turnpike roads, shall be laid out in the construction and repair of the same; and all persons owing such taxes or labor, who may wish to discharge the same in labor, shall apply the same, under the direction of said commissioners or their agents appointed for that purpose, between the first day of April and the first day of October, at the customary rate of wages per day, and a suitable allowance for teams, for which the commissioners shall give a receipt, which shall be received by the county treasurer on account of their tax due and owing as aforesaid.

Certain taxes and labor to be applied to road.

SEC. 8. So much of the taxes appropriated by this act as

- Appropriation of funds.** shall be paid into the county treasury, shall be computed by the county auditor and paid over by the treasurer upon the certificate of the officers of said board, they certifying that labor to the amount thereof has been performed on said road, under the direction of said commissioners or their agents.
- Settlement with county commissioners.** SEC. 9. The said commissioners shall annually, on the first Monday in December make a full settlement and statement with the county commissioners of the several counties in or through which their respective roads may be located, of all their receipts and expenditures within such county, and deposit a copy thereof in the auditor's office of the county.
- Failure to make settlement.** SEC. 10. Should such commissioners fail to make settlement as provided by the ninth section of this act, the county commissioners shall, at the next term of the court of common pleas of the county, cause suit to be instituted against such commissioners in the corporate name of the road to enforce such settlement.
- Suits against commissioners.** SEC. 11. Such suit shall be conducted by the prosecuting attorney of the county, and such delinquent commissioners shall be held prima facie liable for the full amount of taxes and money which were applicable to the construction of said road as the same appears upon the tax duplicate of the county, and in all cases judgment shall be rendered against said commissioners for all the costs of the suit.
- Commissioners to be a body corporate.** SEC. 12. That the said commissioners and their successors shall be a body corporate under such name as the commissioners of the county may designate, for the purposes of carrying into effect the provisions of this act, and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, and the interest thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace or in a court of common pleas of the proper county, which suit shall be appealable as in other cases; and the amount so collected in each case shall be used for the benefit of said road, and shall be paid over to said commissioners.
- Compensation to commissioners, superintendents, &c.** SEC. 13. The commissioners, superintendents and agents of said road shall be allowed two dollars per day for every day actually employed on the business of said road; and when any vacancy shall happen in said board of commissioners by death, resignation or otherwise, the county commissioners of the county in which such vacancy may occur, on brief notice thereof, shall fill the same.
- Expenses how paid.** SEC. 14. The expenses of surveying and location, and other expenses incidental to the construction of said road, shall be paid out of funds appropriated by this act to the construction, prosecution and repair of the same, and the sum paid to the surveyor and his assistants shall not exceed the customary wages per day for every day they may be actually employed in locating and surveying said road.
- Petitions and remonstrances.** SEC. 15. That all petitions to the county commissioners to appoint commissioners to lay out and establish free turn-

pike roads, and to the county auditor to levy an extra tax for the construction and keeping the same in repair, and all remonstrances against either of the same, shall only be signed by resident freehold taxpayers within the bounds of said road, as described in section six of this act; that minor heirs residing within the bounds of said road, shall not be counted for or against said road, or extra tax, unless represented by their legal guardian; and all heirs, either adults or minors, to any undivided estate shall only be entitled to one vote, for or against said road or tax.

SEC. 16. That persons liable to do two days' labor annually on the public highway, within the bounds of any free turnpike road, shall do the same under the direction of the commissioners or agents of said road, after being notified three days previous of the time and place of doing said two days' work, between the first day of April and the first day of October; provided that they may pay to said superintendent the sum of two dollars in lieu of said two days' work, if paid when notified to do the work. In case of refusal or neglect to do the same, they shall pay a fine of two dollars, which the commissioners of said free turnpike road shall collect in the same way and by the same law that govern township trustees of state and county roads in like cases.

Two days' labor by persons liable.

SEC. 17. The county commissioners may, when they believe the public interest require it, make such donations for building bridges and culverts on any free turnpike road as they believe just and right, the same as they are authorized to do for state and county roads.

Bridges and culverts.

SEC. 18. That when two consecutive miles or more of any free turnpike road is made in good order for travel or transportation, and the tax from the grand levy and the two days' labor will not keep the same in repair, and three-fourths of the resident freeholders on said road, as provided in the sixth section of this act, after giving notice as required in the first section of this act, shall petition the county commissioners, it shall be their duty to authorize the commissioners of said road to place a gate or gates on their road, and charge such rate of toll, when added to the common road tax of the grand levy and the two days' work, [as] will keep said road in good repair; provided that no greater rate of toll shall be charged than is allowed by law to turnpike roads of this state; and said road commissioners shall continue to manage said free turnpike road, and have the benefit of all laws regulating turnpike roads of this state, in the collection of tolls and other matters pertaining to the maintenance and preservation of said road.

When gates may be erected.

SEC. 19. That the commissioners of any free turnpike road authorized by this act, or any previous act of the legislature, may divide said road into two or more districts, when it will be for the interest and convenience of the corporation so to do; provided, however, that such division shall not be made unless a majority of the resident freehold taxpayers as aforesaid, petition such commissioners therefor; and all the road tax, extra tax and two days' labor within each district,

Division of roads into districts.

shall be applied to the construction and repair of said road within said district, under the direction of the commissioners or their agents, and the commissioners shall keep a record of the same as they are required to keep a record of their proceedings in the third section of this act.

When extra tax may be evied.

SEC. 20. That whenever it shall be made known by petition to either of the county auditors in this state, that a majority of the resident freeholders living on the line of any state road, county road, or free turnpike road within his proper county, desire an extra tax for the purpose of constructing, improving or repairing such road, it shall be the duty of the said county auditor to levy a tax for that purpose, of any amount that may be desired not exceeding ten mills on the dollar valuation in any one year, on all lands and taxable property within the bounds of said turnpike road, as described in section six of this act. That when any tax as aforesaid shall be levied, it shall be for the term of three years and no longer, unless at the expiration of the three years as aforesaid the petition shall be renewed, and, in that event, such tax shall be levied for the term of three years longer; provided that, at any time after the first levy is made, the commissioners of any free turnpike road shall be satisfied that the road can be built with a less sum than is provided in this section, the county auditor shall, on the order of the commissioners of said road, reduce the extra tax or abate it entirely; provided that when a portion of said freeholders have previously made, or have been previously taxed to make any free turnpike already completed, or in progress of completion, they shall only be taxed pro rata, as to the making of the remainder of said turnpike or the continuance thereof. It shall be the duty of the county treasurer to collect such extra tax the same as county or state taxes are collected; provided that the words "bounds of the roads" and "line of the road," whenever used in this act, shall be held to include so much land on either side of such road as may be charged with said extra tax.

Reduction or abatement of tax.

Changing location of road.

SEC. 21. That the county commissioners of any county shall be and are hereby authorized to change the location of any part of any free turnpike road, in the same manner and on the same conditions that they are by law authorized to change the location of any part of a county road, and the same laws applicable to the alterations of county roads shall be applicable to free turnpike roads.

Damages.

SEC. 22. All claims for damages arising out of the location of any free turnpike road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways.

Roads running through different counties.

SEC. 23. That where the resident land-owners along any road in this state, reside in different counties, and wish, under the provisions of the above-recited act, to improve the same, they shall petition the county commissioners of their respective counties, as required by the first section of the above-recited act. It shall be lawful for the county commissioners of the different counties as aforesaid, to join in carry-

ing out the provisions of this act, to assess the tax upon each in proportion to the benefit derived, and as may be agreed upon by said commissioners.

SEC. 24. That an act entitled "an act to provide for laying out and establishing free turnpike roads," passed March 12, 1845, and an act entitled "an act to authorize county commissioners to lay out and establish free turnpike roads," passed February 25, 1848, and an act entitled "an act to [amend an act entitled an act to] provide for laying out and establishing free turnpike roads," passed March 12, 1845, passed January 2, 1846, and an act entitled "an act further to amend the act entitled 'an act to provide for laying out and establishing free turnpike roads,'" passed March 12, 1845, [passed March 23, 1850.] and an act entitled "an act conferring on county commissioners certain powers in relation to free turnpike roads and for other purposes," passed February 19, 1850, are hereby repealed; provided, however, the repeal of said acts shall not affect any act done, or any right or liability accruing or accrued, or any suit, matter or proceeding had or commenced under the provisions of said acts.

SEC. 25. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 15, 1867.

Acts
repealed.

S. & C. 1331.

2 Curwen,
1163.

S. & C. 1323.

2 Curwen,
1446.

S. & C. 1324.

2 Curwen,
1191.

S. & C. 1324.

2 Curwen,
1540.

S. & C. 1325.

2 Curwen,
1543.

AN ACT

Relating to a certain proposed amendment to the constitution, and the publication of this act.

WHEREAS, The general assembly of the state of Ohio, three-fifths of the members elected to each house agreeing thereto, have proposed an amendment to the constitution, to be submitted to the electors for their approval or rejection, at the election for senators and representatives, on the second Tuesday of October, 1867; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the electors of the state shall vote upon said proposed amendment at the general election in October, 1867, as herein prescribed, viz: Those voting for the amendment shall put upon their ballots these words: "constitutional amendment, yes." Those voting against it shall put upon their ballots these words: "constitutional amendment, no."

Manner of
voting.

SEC. 2. A return additional to the return now required by law to be made, of the votes cast at such election for state officers and senators and representatives, and also for and against the said proposed amendment to the constitution, shall be certified and made by the clerk of each county to the secre-

Returns, how
made.

tary of state, within ten days after said election, and within twenty days after said election the governor, secretary of state and attorney general shall open said returns and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment; and if it appears that a majority of the votes cast at such election have been cast for said proposed amendment, the governor shall make proclamation thereof without delay.

Publication
of amend-
ment.

SEC. 3. The secretary of state shall cause the proposed amendment to the constitution, passed at the present session of the general assembly to be published in not less than one newspaper in each county of the state where a newspaper is published, until the second Tuesday of October, 1867, and he shall also cause this act to be published in the same manner for two weeks next preceding said election.

SEC. 4. The cost of publishing this act and the said proposed amendment to the constitution in each county, shall be paid out of the county treasury in the county wherein published.

SEC. 5. This act shall take effect immediately.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 15, 1867.

AN ACT

To abolish the bureau of soldiers' claims and the office of military claim agents. (O. L., vol. 62, pp. 10, 79 and 91.)

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to create a bureau for the auditing and collection of soldiers' claims, and for the relief of Ohio soldiers," passed February 17, 1865, together with an act amendatory thereto, passed March 31, 1865, also an act entitled "an act for the relief of discharged Ohio soldiers and marines," passed April 6, 1865, be and the same are hereby repealed, to take effect on and after the first day of October, 1867.

Claims re-
ceived until
June 1st.

SEC. 2. On the passage of this act the business of the offices established under the foregoing acts shall be closed as follows: The commissioner of claims at Columbus and military claim agent at Washington shall continue to receive, file and prosecute to collection such claims as may be presented to them until the first day of June, 1867. All applications thereafter for settlement of claims shall be returned immediately to applicants with notice that the respective offices are to be discontinued, and that no further claims will be received for prosecution on and after said first day of June, 1867; they shall proceed to settle up the business of their offices [offices] and adjust the claims of Ohio soldiers

and the heirs of deceased soldiers remaining in their hands as rapidly as possible consistent with needed care and safety, and on the first day of October, 1867, the offices of the said commissioner of claims and military claim agent shall be discontinued, and all papers in said offices relating to the unfinished business thereof, shall be by them sent to the office of the adjutant-general of the state of Ohio for final adjustment and settlement. The adjutant-general shall prosecute all claims thus sent to his office to settlement, but shall receive no new applications for settlement of claims as provided in the act hereby repealed.

When office discontinued.

SEC. 3. The salaries now paid to the commissioner of soldiers' claims and to the military claim agent at Washington, as fixed by law or otherwise, shall be continued to them respectively until the time fixed above for the discontinuance of their offices, and the paymasters' checks and auditors' certificates which may be in the office of the commissioner of soldiers' claims on said October first, 1867, together with such other checks and certificates of like character as may accumulate in the hands of the adjutant-general and shall be unclaimed by parties entitled thereto, shall be delivered to the treasurer of state, and an inventory of the same shall be given to the auditor of state, and the same shall be held by the treasurer until claimed by parties entitled thereto or otherwise disposed of by law.

Compensation of commissioner.

Paymasters' checks, etc., to be delivered to treasurer of state.

SEC. 4. The commissioner of soldiers' claims and military claim agents shall each reduce the clerical force and expenditures in their respective offices as rapidly as the efficient discharge of duty therein will admit.

Reduction of clerical force.

SEC. 5. The commissioner of soldiers' claims is hereby directed immediately upon the passage of this act to cause notice to be inserted twice in two daily papers in each of the cities of Cincinnati, Columbus and Cleveland, to the effect that the collection of soldiers' claims through the offices herein mentioned has been by law directed to be discontinued on the first day of June, 1867, and also to cause circulars containing same notice, to be sent to the various post-offices in the state. The expense of such advertisement to be paid out of any money appropriated to the payment of clerks in the bureau of soldiers' claims.

Commissioner to give public notice of intention to discontinue office.

SEC. 6. This act shall take effect and be in force from and after its passage, except as provided in section one of this act.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 15, 1867.

AN ACT

In relation to city parks.

Purchase of
land and
laying out
parks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class having at the last federal census a population exceeding ten thousand, shall have power to purchase land and thereon to lay out, dedicate and improve and regulate public parks within the city, and for that purpose to appropriate any money in the treasury of such city not otherwise appropriated, and if necessary may borrow money not exceeding in the aggregate twenty-five thousand dollars, at such rate of interest, payable annually, not exceeding six per cent. per annum, and upon such length of time not exceeding ten years, as the council may think best, and may issue bonds therefor binding on the city, or may issue such bonds to those of whom the land is purchased; said bonds to be redeemable at any time before due, at the pleasure of the city council.

SEC. 2. No land which shall by ordinance have been dedicated as such public park shall be afterward alienated or appropriated to any other purpose inconsistent with its dedication.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 15, 1867.

AN ACT

Supplementary to an act entitled "an act supplementary to an act entitled 'an act to provide a board of commissioners to examine certain military claims and making appropriation for their payment,'" passed April 11th, 1865, passed April 6th, 1866.

Claims of en-
listed men
and substi-
tutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above entitled act to which this is supplementary shall embrace and include the following claims to be examined, allowed and paid in like manner, to-wit: all claims of enlisted men and substitutes for local bounty where the money has not come into the hands of such enlisted man or substitute by reason of any fault of any officer of this state, or of any officer acting under orders of any officer or authority of this state; provided, that no money shall be paid under this act to deserters; and provided, that no more evidence shall be required in cases of enlisted men than is now required for the collection of the claims of recruiting officers under the law of April 6th, 1866. Claims of state pay agents for losses alledged to have been incurred in discharge of their official duties as such, taking into account all liabilities of such agents to this state or the United States.

Claims of
state pay
agents.

The adjutant general is hereby authorized and required to act as a member of said board in investigating and allowing the claims mentioned in this act in addition to the members now constituting the board.

SEC. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 15, 1867.

AN ACT

To amend section 313 of an act entitled "an act to establish a code of civil procedure," passed March 11th, 1853, as amended by an act passed March 31, 1864. (Vol. 61, p. 128.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 313 of an act entitled "an act to establish a code of civil procedure," passed March 11th, 1853, as amended March 31, 1864, be so amended as to read as follows, to-wit:

Section 313. No party to a civil action shall be allowed to testify by virtue of section 310, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir or devisee of a deceased person, except in the following cases, namely:

Who are incompetent to testify.

1st. In actions with an executor, administrator, guardian or trustee of infants, heir or devisee, as above specified, a party may testify to facts which occurred after the death of the decedent or parent; and in actions with a guardian of an idiot, or of a lunatic, as above specified, a party may testify to facts which occurred after the appointment of such guardian.

Exceptions.

2d. In actions upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contracts and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent.

3d. In actions of either of the classes above specified, in which any adverse party or any person having a direct interest in the matter in controversy, shall be called as a witness, and testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations.

4th. In actions of either of the classes above specified, in which one party calls a witness, other than an agent acting as such, or one interested to prove conversations or admissions of the opposite party occurring before the death of said

deceased person, the opposite party may testify to the same conversations or admissions.

Same.

5th. In actions of either of the classes above specified, in which the claim or defense is founded on book accounts, a party may testify to his account book, that the same is a book of original entries, that the entries in the same were made by himself, or by a deceased person, or by a disinterested person non-resident of the state at the time of trial; and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case.

6th. If the deposition of a party who has died during the pendency of a suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters and things contained in said deposition and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor in the absence of his surviving partner or joint contractor.

SEC. 2. This act shall take effect and be in force from and after its passage, and shall apply to all suits now pending as well as suits hereafter commenced, and said section 313 of the code of civil procedure, passed March 31, 1864, is hereby repealed.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 15, 1867.

AN ACT

S. & C. 271.
3 Curwen,
1877.

Supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852.

Skating
parks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons not less than five, may associate and become a body corporate for the purpose of constructing a park, pond or rink, to be used for skating and other lawful sports, or for holding fairs, festivals and public meetings, upon complying with the requirements of this act.

Certificate.

SEC. 2. The persons so associating shall, under their hands and seals, make a certificate, which shall specify as follows: 1st. The name to be assumed by the corporation and by which it will be known. 2d. The county in which the property will be located. 3d. The amount of capital stock necessary and the amount of each share. Said certificate shall be acknowledged, certified and forwarded to the

secretary of state to be recorded and copied as is provided in the second section of the act to which this is supplementary, and a copy of such certificate, duly authenticated by the secretary of state, shall be transmitted by him to the recorder of the county in which such corporation shall be organized, and be recorded in the record of incorporations.

SEC. 3. When the foregoing provisions have been complied with, the persons named as incorporators in said certificate, their associates, successors and assigns shall be deemed a body corporate for the purpose named in the certificate, and such corporation shall have the general corporate powers granted in the third section of the act to which this is supplementary.

SEC. 4. The persons named in the certificate, or a majority of them, shall be commissioners to open books for subscriptions to the capital stock at such time and places as they shall deem proper, and upon the subscription of ten per cent. of said stock, may give ten days' notice by publication in some newspaper of general circulation in the county in which the property of the corporation is to be located, to the stockholders to meet at a time and place to be designated, and hold an election of directors, who shall continue in office until the time fixed for the annual election and until their successors are chosen and qualified; each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 5. The business and property of such corporation shall be managed and conducted by a board of directors, consisting of not less than five stockholders, who shall be chosen, except at the first election, at such time and place within the county where its property is located, as shall be provided by the by-laws. Immediately after their election, the directors shall elect one of their number president of the corporation, and may appoint such other officers and agents as they may deem necessary. They shall have power to make such rules, regulations and by-laws as may be necessary for the management of the affairs of the corporation.

SEC. 6. Subscriptions to the capital stock shall be paid in such installments, at such times and places, and to such persons, as may be required by the board of directors.

SEC. 7. Every person who shall willfully break, throw down or injure any gate, fence, inclosure or embankment, or erection of any kind upon the ground of any corporation organized under the first section of this act, or forcibly or fraudulently pass such a gate or over such fence or inclosure without having first paid the charge demanded for entry into such park, ground, or rink, shall for each offense forfeit to the party injured the sum of twenty-five dollars in addition to the damages resulting from such wrongful act.

SEC. 8. Any association of not less than five persons, formed for the purpose of constructing a skating park, pond or rink, whose park, pond or rink may be in progress of construction, or which has been completed by private subscription at the time of the passage of this act, may be organized into a corporation pursuant to the provisions of this act,

When deemed a body corporate.

Subscription to capital stock.

Election of directors.

Powers and duties of directors.

Payment of subscriptions.

Penalty for trespassing, &c.

Associations already formed may organize under this act.

with the same powers, privileges and rights as if originally organized and incorporated under the same.

Formation of
associations
for other pur-
poses.

SEC. 9. Corporations may also be formed under this act for the following purposes:

1. For the preservation and exhibition of works of art.
2. For encouraging and cultivating a taste for music.
3. For the advancement of legal knowledge, and the better and more convenient discharge of professional duties connected therewith.

Liability of
stockholders.

SEC. 10. The stockholders of every corporation organized under this act shall be liable for the dues of the same over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum equal in amount to such stock.

SEC. 11. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 15, 1867.

AN ACT

To incorporate savings societies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of natural persons, not less than five, residents of any county, may become a body corporate for establishing a savings society, within such county, by making their certificate under their hands and seals, setting forth:

Certificate
stating
object.

First—The purpose aforesaid.

Second—The name by which such society shall be known, to be the _____ savings society of _____.

Third—The place where its business shall be conducted.

Such certificate shall be acknowledged, certified and transmitted to the board of commissioners for savings societies, as hereinafter provided.

Board of
commission-
ers.

SEC. 2. To carry into effect the provisions of this act, the auditor, treasurer and secretary of state shall constitute a board, to be designated the board of commissioners for savings societies, who shall perform such duties as may be assigned them by this act.

Examination
of certifi-
cates.

SEC. 3. Said board of commissioners shall examine such certificates within one month after the filing thereof, and shall carefully ascertain the responsibility and fitness of the persons filing the same.

When autho-
rized to pro-
ceed.

SEC. 4. If, upon a careful examination, the commissioners shall be satisfied that the persons making such certificate are fit and responsible persons to carry on a savings society, they

shall certify the same to the governor, who shall, if he be satisfied that the law has in all respects been complied with, issue his proclamation, setting forth that such persons are authorized to commence and carry on a savings society in the place designated in the certificate of incorporation.

SEC. 5. The officers of every such society shall consist of a president, vice president, treasurer, and not less than seven trustees, residents of such county, who shall constitute a board of managers, of whom five shall constitute a quorum for the transaction of business.

Officers.

SEC. 6. Such officers shall be sworn and shall hold their several offices one year, except as hereinafter provided, and until others are chosen and qualified in their stead, and the treasurer shall give bond to the satisfaction of the trustees for the faithful discharge of the duties of his office, and which bond shall at all times be subject to the revision and control of the board of commissioners of savings societies, as to the amount and sufficiency thereof.

Oath, term of office and bond.

SEC. 7. No trustee shall receive directly, or indirectly, any pay or emolument for his services, and no trustee or officer shall directly or indirectly, borrow or use the funds of the society, except to pay the necessary current expenses, nor shall any officer or trustee be surety for loans to others, or in any manner be an obligor for money borrowed of or loaned by the society, nor shall any banker, bank officer, employee or bank director be eligible to the office of president, vice president, treasurer or trustee of any such society.

Prohibitions.

SEC. 8. The trustees and officers, except the treasurer, shall be chosen at the annual meetings of such societies, to be holden at such times as the by-laws may direct. The treasurer shall be appointed by the trustees and shall hold his office during their pleasure. If any office becomes vacant during the year, the trustees may appoint a person to fill the same until it is filled at the next annual meeting.

Election of trustees and officers.

SEC. 9. Such societies may at any time hold special meetings by order of the trustees, and the treasurer shall also notify special meetings upon the requisition in writing of any ten members of the society. Notice of all meetings shall be given by public advertisement in some newspaper of the county where the society is established.

Special meetings.

SEC. 10. All depositors, except minors, who may have on deposit to their credit in any society, the sum of fifty dollars or upwards, shall be members of such society, and entitled to one vote for every fifty dollars and fraction of fifty dollars greater than one-half so deposited; provided, that in no case shall any member of such society be entitled to more than twenty votes upon his stock.

Certain depositors members of society.

SEC. 11. Every such society may receive on deposit for the use and benefit of the depositors, all sums of money offered for that purpose, but it shall not hold at the same time more than twenty-five hundred dollars of one depositor, other than a religious or charitable corporation.

Deposits.

SEC. 12. The funds of such society may be invested on first mortgages of real estate situated in this state, in sums

Investment of funds.

not exceeding half the value thereof, exclusive of buildings, or in the public funds of this state or of the United States, in sums not exceeding eighty per cent. of the lowest current value of said securities, or may be loaned on notes with a pledge of any of the aforesaid securities, or of the stock owned by any person offering any such note in such security, subject to the aforesaid limitations as collateral.

May hold
real and per-
sonal estate.

SEC. 13. Every such society may acquire and hold real and personal estate for the convenience of its business, not exceeding in value five per centum of its deposits, and not exceeding in value forty (40) thousand dollars, and may also hold such as may be acquired by purchase upon execution, or otherwise, in payment of any demand due the society, but the same shall be sold as soon as the society is offered the amount of the debt for which the same was taken, with interest, costs, and expenses.

SEC. 14. No society shall have more than fifty per cent. of its deposits invested in mortgages on real estate, nor shall any society loan or invest in any personal security, unless secured by collaterals as aforesaid.

Investments
in mortgages.

SEC. 15. No investment in mortgages of real estate, and no loan on a pledge of any such mortgage or mortgages, and no loan on bonds or other personal security shall be made without the consent in writing of three members of the board of managers, and such consent shall be entered and preserved in a book to be kept for that purpose.

Incomes or
profits.

SEC. 16. The income or profits of all deposits after deduction of all reasonable expenses incurred in the management thereof, shall be divided among the depositors or their legal representatives, in just proportion; ordinary dividends shall be made every six months, and extra dividends at times fixed by the by-laws; but no dividend shall be declared until the trustees cause an examination to be made, and find that the amount thereof has actually accrued; and no dividend or interest shall be paid to a depositor unless authorized by a vote of the trustees; principal deposits shall only be withdrawn by the depositor or some person by him or her legally authorized, and thirty days' notice in writing of the intention to withdraw the same shall be given by the depositor to the treasurer.

Accumulated
funds.

SEC. 17. All accumulation of funds in such societies shall be held to be for the benefit of the depositor, in proportion to the amount deposited, or of his legal representatives; and all deposits, with the accumulations thereon, by dividend or otherwise, no part of which shall have been called for within the period of ten years, shall be advertised for six months in some newspaper of general circulation in the county in which deposit was made. At the expiration of such advertisement, the depositor or his legal representative failing to appear and claim the amount of said deposit, with its accumulation, the same, after deducting expense of advertisement, as above required, shall be paid into the treasury of the state, the receipt of the treasurer taken therefor, and the sum thus paid over shall be held in trust by the state for the depositor or

legal representatives, and used by the state until called for.

SEC. 18. The treasurer of every such society shall, annually, make return of the condition thereof, as it was at the close of business on the last Saturday preceding the annual meeting thereof; which return shall be made to the annual meeting of such society, and a copy of such return shall be immediately transmitted to the board of commissioners for savings societies; and said return shall specify the following particulars, namely: place where located, name of society, number of depositors, amount of deposits, public funds, stating amount of each, invested in real estate, loans on mortgage of real estate, loans on collateral securities, cash on hand, rate and amount of ordinary dividends for last year, average annual per cent. of dividends for the three years preceding, annual expenses of the institution; all of which shall be certified and sworn to by the treasurer, and not less than five of the trustees of the society shall also certify and declare that the said return is correct according to their best knowledge and belief.

SEC. 19. Money deposited in such society by or in the name of a minor, or of a woman, being or afterwards becoming a married woman, may, at the discretion of the trustees, be paid to such minor or married woman, and the same shall be a valid payment.

SEC. 20. The board of managers of every such society may, at their discretion, out of the income and profits, accumulate gradually, and hold invested in like securities, as provided in section twelve of this act, a surplus fund not exceeding ten per cent. of the amount of deposits in such society, to the end that in case of a reduction in the market price of the securities of public stocks held or to be held by such society below the par value thereof, any loss to the depositors by reason of such reduction may be prevented or made good to them by means of said surplus fund.

SEC. 21. All deposits shall be made at the office of such society, and be made in any amount. An account shall be given in a book, or otherwise, to each depositor, by the treasurer, of the sum deposited, which shall be the evidence of the depositor's property in such society. Each depositor, on making his first deposit, shall subscribe and thereby signify his assent to the rules, regulations and by-laws of the society. Any depositor, at the time of making his deposit, may designate the period for which he is desirous the same should remain, and the person or persons for whose benefit the same is made, which shall be binding on them and their legal representatives; provided, however, that such deposit and its accruing dividends may be paid off according to the provisions in this act elsewhere mentioned.

SEC. 22. Such societies may be dissolved and their assets divided among the stockholders, upon a vote of the majority of the stock, as provided for in section ten, at a meeting holden for that purpose, on at least three months' notice, by advertisement, as provided for in section nine, and accompanied, when practicable, with written notice, signed by the

Annual return to meeting of society;

—and board of commissioners.

What return shall contain.

Deposits by minors or women.

Surplus fund for security of depositors.

Deposits—how made, &c.

When and how company may be dissolved.

president and secretary of said society. Such vote having been decided in the affirmative, the board of managers shall proceed to divide the whole property among the depositors in proportion to their respective interests therein, and shall refuse all deposits after date of the notice referred to above, until the question of division shall be determined.

Complaints
against so-
ciety.

SEC. 23. Any depositor or depositors in any such society, may file his, her or their petition in the court of common pleas, or in the probate court of the county in which such society has its office, setting forth that such society has fraudulently or grossly mismanaged its affairs to the prejudice of its depositors; and thereupon it shall be the duty of such court to require such society to report to such court a statement of the true condition of such society on the day of the filing of such petition, which statement shall contain all the particulars required to be made to the board of commissioners for savings societies by the seventeenth section of this act. Notice of the filing of such petition, and the order of the court thereon, shall be served upon the president, secretary, and at least one acting trustee of such society, at least three days before the time appointed by such court for filing such statement, and the time for filing the same may be extended for good cause shown. If such statement shall not be satisfactory to such petitioner or petitioners, it shall be the duty of such court upon his, her, or their motion, to appoint one or more suitable person or persons, not a trustee or officer of or indebted to such society, to visit and examine the same.

Examination
and report.

SEC. 24. The examiners so appointed shall be empowered to examine all the books, moneys, securities, effects and property of such society, and to examine the officers, trustees and clerks of any such society, under oath, touching any matter connected with the books, property, effects and management. Such examiner or examiners shall make a full report of such examination to such court, and thereupon the court shall examine the report of such examiners, together with such evidence as may be offered, bearing upon the same. Upon such examination, if the court shall be satisfied, and find that such society has been guilty of either fraudulent or gross mismanagement to the prejudice of its depositors, or if such society has neglected or refused to file in the time limited by such court, the statement of its condition, as hereinbefore provided, such court may appoint a receiver or receivers of such society, who shall, before entering upon the discharge of his or their duties, give such security as the court shall order.

Appointment
of a receiver.

Receiver to
take possession
of books,
&c;

SEC. 25. It shall be the duty of the receiver or receivers so appointed, to take immediate possession of all the books, papers, evidences of debt, lands and effects of every description of such society, and for that purpose may have the aid of the process of the court if required.

—and con-
vert assets, &c.

SEC. 26. Such receiver or receivers shall convert the assets and property of every description into money, under such orders and directions as may be made by said court; and after deducting expenses, including such compensation

as may be allowed by the court to such receiver or receivers, pay the same, from time to time as the court may order, to the depositors of such society, pro rata, upon the same.

SEC. 27. If, on the hearing of any petition filed as provided in this section, the same shall be dismissed by the court, it shall be at the cost of the petitioner or petitioners, as the case may be, unless the court shall find there was probable cause for filing the same, when the court may make such order as to costs as shall be just and equitable.

Payment of costs.

SEC. 28. Any receiver or receivers so appointed, shall make report to such court of his or their proceedings whenever required by the court to do so, and shall have full power and authority to sell, convey, assign, set over, collect and transfer all the lands, tenements, choses in action, property and effects of such society. and such sale, conveyance or transfer, shall have the same force and effect in law as if made by the said society or its proper officer; provided, that any such conveyance or transfer shall first be approved by such court.

Report of receiver;
—his powers.

SEC. 29. Such receiver or receivers shall also be empowered to maintain an action or actions in any court of this state for the use of the depositors of such society, against any person or persons indebted or in any manner liable thereto.

Same.

SEC. 30. Any judge of the court of common pleas of any county in this state, in which there shall be established a savings society, is hereby authorized and required, as often as once in each year, to appoint some person of competency as examiner of savings societies, causing such appointment to be entered upon the records of the court. Such examiner so appointed shall, without previous notice, enter upon and examine any savings society or societies within said county, and fully report the condition thereof to the court, which report shall be placed on file by the clerk, and a copy thereof be transmitted by him to the board of savings commissioners, provided in section two. Expense of examination to be paid by the society or societies examined, in equitable proportions on accounts approved by the court; provided, if such judge be a member of any such society, the appointment shall be made by another judge of the district, not a member.

Examiner to be appointed annually;

—his report, &c.

SEC. 31. The officers of all savings societies in this state are required, when called on by the examiner, to exhibit to him all the books, papers and whatever may be necessary to give him a full and correct knowledge of the condition of the affairs of such society.

SEC. 32. The board of savings commissioners shall annually report to the general assembly, in a condensed form, the number and condition of the savings societies of the state, as derived from the reports of examiners provided for in section thirty, and from the annual reports of the treasurers of such societies, as required by this act.

Annual report of commissioners.

SEC. 33. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To amend section one of an act entitled "an act to enable associations of persons for building hotels and for other purposes, to become bodies corporate," passed April 5, 1866. (Vol. 63, O. L.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above named act be amended so as to read as follows :

Building as-
sociations.

Section 1. That any number of persons not less than three, may associate themselves and become a corporation, as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, for the purpose of constructing and maintaining buildings to be used for hotels, store rooms, tenement houses or water cure establishments, for the treatment of invalids, and for places of general public resort ; and such company shall be authorized and empowered to acquire, hold, use and convey at pleasure all such real and personal property as may be necessary and convenient to carry into effect the object of the incorporation, and to construct, establish and maintain suitable buildings and other structures, grounds, walks, drives and other necessary appendages for the purpose hereinbefore named, and to make all contracts, purchases, sales, conveyances, mortgages and leases necessary to conduct the said business, and to manage the property and to dispose of the same to the same extent as is lawful for individuals.

SEC. 2. That the original section one of the above recited act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To amend sections two, three and four of an act entitled "an act to provide the devices of the great seal and coat of arms of the state of Ohio," passed April 6, 1866, (O. L., 63, 185.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two, three and four of an act entitled "an act to provide the devices of the great seal and coat of arms of the state of Ohio," passed April 6, 1866, be so amended as to read as follows :

Great seal of
state.

Section 2. The great seal of the state shall be two and one-half inches in diameter, on which shall be engraved the device included in the shield, as described in the preceding

section, and it shall be surrounded with these words: "The Great Seal of the State of Ohio." The seal of the supreme court shall be two and one-half inches in diameter, and bear the same device as the great seal of the state, and be surrounded with these words: "The Supreme Court of the State of Ohio." The seal for the district court, for the court of common pleas, and for the probate court of each county, shall be one inch and three-quarters in diameter, of the same device as the great seal of the state, and surrounded with these words, respectively: "District Court of Ohio, County;" "Common Pleas of the County of _____;" "Probate Court, _____ County," (in each case insert the name of the proper county.) The seal for the superior court of any city or county shall be of the same size, and shall have the same device as the seal of the court of common pleas, and shall be surrounded, respectively, with these words: "Superior Court of _____," (here insert the name of the proper city); "Superior Court of _____ County," (here insert the name of the proper county.) The auditor of state, secretary of state, (and adjutant general,) shall keep a seal of office, which seal shall be used in the authentication of all official documents requiring the use of a seal; provided, that the great seal of the state shall be deemed the official seal of the governor. The seals of all state and county officers, required by law to use a seal, shall be one inch and three-quarters in diameter, and shall bear the same device as the great seal of the state. The seals of notaries public shall be one and one-quarter inches in diameter, and shall contain the same device as that hereinbefore provided for the great seal of the state, and shall be surrounded with the words: "Notarial Seal, _____ County," (here insert the name of the proper county.)

Seal of supreme court.

—of district court, court of common pleas and probate court.

—of superior court.

—of auditor of state, secretary of state and adjutant general.
Dimensions and device of certain seals.

Section 3. It shall be the duty of the secretary of state to procure a great seal for the use of the state, seals for the auditor of state, secretary of state, and adjutant general, a seal for the supreme court, a seal for the district court, and a seal for the court of common pleas of each county, of the device and respective sizes as hereinbefore described; and it shall also be the duty of the secretary of state to cause all commissions and official papers issued hereafter, to be printed with an engraved impression of the coat of arms.

Duty of secretary of state.

Section 4. From and after the first day of April, 1868, it shall be unlawful for any notary public, or other officer required by law to use an official seal, to use one except of the size hereinbefore designated, or of other design than that provided in this act for the great seal of the state.

Unlawful to use any other seal.

SEC. 2. That sections two, three and four of the aforesaid act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate

April 16, 1867.

AN ACT

To exempt from execution or other process certain property of railroads therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any railway company in this state that shall have begun and partly built its road, but shall have been unable to finish and operate the same by reason of want of means to do so, shall have authority to take subscriptions conditioned that the proceeds thereof shall not be used or applied upon the debts of said company, and all moneys or materials collected upon such subscriptions, and all moneys obtained after the passage of this act by loan upon the bonds of such company, and all material or implements purchased with such moneys for the construction of the track, houses, depots and rolling stock of such company shall be exempt from execution or other process or proceedings for the payment of the debts of such company so long as such money, material or implements shall be used or designed for the construction of such track, houses, depots and rolling stock aforesaid.

How funds
procured to
complete un-
finished rail-
roads.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

For the incorporation and regulation of life insurance companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than thirteen in number, may associate and form an incorporation or company to make insurance upon the lives of individuals and every insurance appertaining thereto or connected therewith, and to grant, purchase or dispose of annuities.

Insurance
upon lives.

Re-insurance

SEC. 2. Every company organized under this act shall have authority to re-insure any risk herein authorized to be undertaken.

Companies
not permit-
ted to take
other kinds
of risks.

SEC. 3. No company organized under this act shall undertake any business or risks, except as herein provided, and no company, partnership or association, organized or incorporated by or under the laws of this or any other state of the United States or any foreign government transacting the business of life insurance in this state, shall be permitted or allowed to take any other kind of risks except those connected with or appertaining to making insurance on life, and the granting, purchasing and disposing of annuities; nor shall the business of life insurance in this state be in any wise conducted or transacted by any company, partnership or association, which in this, or any other state or country, makes insurance on marine, fire, inland or any other risk;

provided, that insurance companies now doing a life and accident, or accident insurance business within this state shall not be prohibited by the provisions of this act from the continuance of the same, excepting companies issuing policies on the mutual or participating plan.

SEC. 4. The persons referred to in the first section of this act, shall be designated as incorporators, and they shall file in the office of the secretary of state, a declaration, signed by each of the incorporators, setting forth their intentions to form a company for the purposes named in this act, which declaration shall comprise a copy of the charter they propose to adopt, and the said charter shall set forth the name of the company; the place where it is to be located; the kind of business to be undertaken; the mode and manner in which the corporate powers of the company are to be exercised; the manner of electing the trustees or directors, and the number thereof, and officers, a majority of whom shall be citizens of this state, and the time of such election; the manner of filling vacancies; the amount of capital to be employed; and such other particulars as may be necessary to explain and make manifest the objects and purposes of the company, and the manner in which it is to be conducted.

SEC. 5. Whenever the incorporators shall file such declaration with the secretary of state, it shall become his duty to submit the same to the attorney general for examination, and if found by him to be in accordance with the provisions of this act, and not inconsistent with the constitution and laws of the United States and of this state, he shall certify to the same and deliver it back to the said secretary, who shall cause the said declaration, with the certificate of the attorney general, to be recorded in a book to be kept for that purpose, and, upon application of the incorporators to the said secretary, it shall become his duty to furnish a certified copy of such declaration and certificate to the said incorporators.

SEC. 6. Whenever the incorporators shall have received from the said secretary, the certified copy provided for in the last section, and desire to proceed to organize such company, they shall publish their intentions in a paper published and having general circulation in the county in which said company is to be organized; and when such intentions have been published in said paper for six weeks, they may open books to receive subscriptions to the capital stock, and keep such books open until the amount required by this act is subscribed and may then proceed to distribute the stock among the subscribers, if more than the necessary amount is subscribed, and proceed to collect in the said capital and complete the organization of the company.

SEC. 7. No company shall be organized under this act, with a less capital than one hundred thousand dollars. The whole capital of such company shall, before proceeding to business, be paid in and invested in treasury notes, or in stocks of the United States, or in stocks of the state of Ohio, or in mortgages on unincumbered real estate within the state of Ohio, worth double the amount loaned thereon, exclusive

Corporators
to file declaration.

What charter to contain.

Attorney general to certify to declaration.

Declaration to be recorded.

Corporators to publish intention to form company.

Subscriptions to capital stock.

Amount of capital required.
And of what to consist.

of buildings thereon, or in the stocks of national banks incorporated in the state of Ohio, said last named investments not to exceed ten per cent. of the capital of any company organized under this act.

Change and
re invest-
ment of cap-
ital.

SEC. 8. It shall be lawful for any company organized under this act, to change and re-invest its capital or any part thereof, at any time such company may desire, in the stocks or bonds and mortgages or securities aforesaid; and no company organized under this act, shall commence business until such company has deposited with the auditor of this state, the sum of one hundred thousand dollars in United States or Ohio state stocks, in all cases to be, or made to be, equal to stock producing six per cent. per annum, and not to be received at a rate above their par value, or above their current market value, or in bonds and mortgages of the description and character above indicated.

Deposits
with auditor
of state.

Companies
may collect
interest on
securities.

SEC. 9. The auditor of state shall hold such securities as security for policy holders in said companies, but so long as any company so depositing shall continue solvent, may permit such company to collect the interest or dividends on its securities so deposited, and from time to time to withdraw any of such securities on depositing with the said auditor such other securities of like value as those withdrawn, and of the same character, and to be received as those above mentioned.

Auditor to
furnish cer-
tificate of de-
posit.

When au-
thorized to
commence
business.

SEC. 10. Whenever the corporators shall have fully organized such company, and the said company has deposited with the said auditor the requisite amount of capital, it shall become his duty to furnish the corporation with a certificate of such deposit, which, with a certified copy of the papers previously required under this act, shall, when filed in the county recorder's office of the county where such company is to be located, be the authority to commence business and issue policies, and the same may be used in evidence for and against the corporation in all suits.

Funds, how
invested.

SEC. 11. It shall be lawful for any company organized under this act, to invest its funds or accumulations in bonds and mortgages on unincumbered real estate within the state of Ohio, worth fifty per cent. more than the sum so loaned thereon, exclusive of buildings, unless such buildings be insured in a good and solvent insurance company or companies, and the policy or policies of insurance be assigned as collateral security for the money loaned, or in stocks of national banks incorporated in the state of Ohio, the par and market value of which shall be fifty per cent. more than the amount loaned thereon, or in stocks or treasury notes of the United States, stocks of this state, or bonds of any incorporated city of this state, and to lend the same or any part thereof on the security of such mortgages, and upon the pledge of such stocks or treasury notes; provided that the current market value of such stocks or treasury notes shall be at least ten per cent. more than the sum so loaned thereon; or in railroad bonds, when the market value of such bonds is equal to or above their par value, such loans not to exceed fifty per cent. of their market value.

Proviso.

SEC. 12. No company organized under this act shall be permitted to purchase, hold or convey real estate, except for the purposes and in the manner herein set forth, to wit:

1. Such as shall be requisite for its immediate accommodation in the transaction of its business; or,
2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due; or,
3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,
4. Such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained or made for such debts; and it shall not be lawful for any company incorporated as aforesaid, to purchase, hold, or convey real estate in any other case or for any other purpose.

Companies not to hold or convey real estate except for certain purposes and in a certain manner.

SEC. 13. All such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same; and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the auditor of state that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the said auditor shall direct in said certificate.

Certain real estate to be disposed of, &c., unless time for sale is extended by the auditor.

SEC. 14. The corporators, or the trustees or directors, as the case may be, of any company organized under this act, shall have power to adopt a seal, and to make such by-laws, not inconsistent with this act or the constitution and laws of this state, as may be deemed necessary for the management of its affairs.

Corporators, &c., to adopt seal, make by-laws, &c.

SEC. 15. Suits at law may be maintained by any corporation formed under this act, against any of its members or stockholders, for any cause relating to the business of such company; also, suits at law may be prosecuted and maintained by any member or stockholder against such corporation for losses which may have accrued, if payment is withheld more than two months, on all risks, after such losses shall have been due.

Suits at law may be maintained.

SEC. 16. It shall be the duty of the president, or vice-president and secretary or actuary, or a majority of the trustees or directors of each company organized under this act, annually, on the first day of January, or within thirty days thereafter, to prepare, under oath, and deposit in the office of the auditor of state, a statement showing:

Statement under oath, to be made to auditor of state.

1. The number of policies issued during the year.
2. The amount of insurance effected thereby.
3. Amount of premiums received during the year.
4. Amount of interest and all other receipts, specifying the items.
5. Amount of losses paid during the year.
6. Amount of losses unpaid.
7. Amount of expenses.

Contents of statement.

8. Whole number of policies in force.

9. Amount of liabilities or risks thereon, and of all other liabilities.

10. Amount of capital stock.

11. Amount of accumulation, specifying whether received upon life insurance, annuities, or how otherwise.

12. Amount of assets and manner in which they are invested, specifying what amount in real estate, on bond and mortgage, stocks, loans on stocks, premium notes, credits or other securities.

13. Amount of dividend unpaid.

14. A tabular statement of the policies in force for the whole term of life, showing how many thereof for each age of life, and for what amount of risk, were issued or in force during the first year of the existence of the company, during the second year, and so on up to the time of making such statement.

15. A tabular statement of the policies in force for a shorter period than the whole term of life, showing how many thereof for each age of life, and for what amount of risk, were issued or continued in force during the first year of the company's existence, during the second year, and so on up to the time of making such statement.

Companies to be furnished with printed forms of statements.

SEC. 17. The auditor of state shall cause to be prepared, and furnished to every company to which this act shall apply, printed forms of the statements above required; and he may make such changes from time to time, in the form of the same, as shall seem to him best adapted to elicit from said companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Statements to be communicated to the legislature.

SEC. 18. It shall be the duty of the auditor of state to cause the information contained in the statements required in the preceding sections to be arranged in a tabular form, and prepare the same in a single document for printing, which he shall communicate to the legislature.

No person permitted to act as agent, &c., until such company has complied with certain conditions.

SEC. 19. It shall not be lawful for any person to act within this state, as agent or otherwise, in receiving or procuring applications for insurance, or in any manner to aid in transacting the business of insurance, referred to in the first section of this act, for any company or association incorporated by or organized under the laws of any other state government, unless such company is possessed of the amount of actual capital required of companies in this state, and the same is invested in stocks or treasury notes of the United States, or of the state of Ohio, or of the interest-paying bonds of the state in which said company is located, or on bonds and mortgages on unincumbered real estate within the state where such company is located; but all mortgages deposited by any company under this section, shall be upon unincumbered real estate worth double the amount loaned thereon, which stocks and securities shall be deposited with the auditor, comptroller, or chief financial officer of the state by whose laws said company is incorporated, and the auditor of this state furnished with the certificate of such auditor, comptroller, or chief financial officer aforesaid, under his hand and official seal,

Stock and nature thereof.

Certificate to be furnished as security.

that he, as such auditor, comptroller, or chief financial officer of such state, holds in trust and on deposit, for the benefit of all the policy-holders of such company, the security before-mentioned, which certificate shall embrace the items of the security so held, that he is satisfied that such securities are worth one hundred thousand dollars; but nothing herein contained shall be construed to invalidate the agency of any company incorporated by another state, by reason of such company having from time to time exchanged the securities so deposited with the auditor, comptroller, or chief financial officer of the state in which such company is located, for other stock or securities, authorized by this act, or by reason of such company having drawn its interest and dividends, from time to time, for such stocks and securities.

SEC. 20. Such company shall also appoint an attorney or agent in each county in this state in which the company has established an agency, on whom process of law can be served; and such agent or attorney shall file with the auditor of state a certified copy of the charter of said company, and also a certified copy of the vote or resolution of the trustees or directors of the said company appointing such agent or attorney, which appointment shall continue until another such agent or attorney be substituted. And in case any such insurance corporation shall cease to transact business in this state according to the laws thereof, the agents last designated, or acting as such for such corporation, shall be deemed to continue agents for such corporation, for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this state, and service of such process, for the causes aforesaid, upon any such agent, shall be deemed a valid personal service upon such corporation, and such company shall also file a statement of its condition and affairs in the office of the auditor of state, in the same form and manner required for the annual statements of similar companies organized under the laws of this state.

SEC. 21. It shall not be lawful for any agent to act for any company referred to in the foregoing section, directly or indirectly, in taking risks, collecting premiums, or in any manner transacting the business of life insurance in this state, without procuring from the said auditor a certificate of authority, stating that the foregoing requirements have been complied with, and setting forth the name of the attorney for such company, a certified copy of which certificate shall be filed in the county recorder's office of the county where the agency is to be established, and shall be the authority of such company and agent to commence business in this state, and such company or its agent or attorney shall, annually, in the month of January, or within thirty days thereafter, file with the auditor of this state a statement of its affairs for the preceding year, in the same manner and form provided for similar companies in this state.

SEC. 22. If the said annual statement shall be satisfactory evidence to the auditor of state, of the solvency and abil-

Saving clauses as to exchange of securities.

An attorney to be appointed on whom process may be served.

When service of process to be made upon agents last designated.

Statement of condition, &c., to be filed.

No agent to act without procuring certificate of authority.

What to contain and where filed.

Annual statements to be filed.

8. Whole number of policies in force.
9. Amount of liabilities or risks thereon, and of all other liabilities.
10. Amount of capital stock.
11. Amount of accumulation, specifying whether received upon life insurance, annuities, or how otherwise.
12. Amount of assets and manner in which they are invested, specifying what amount in real estate, on bond and mortgage, stocks, loans on stocks, premium notes, credits or other securities.
13. Amount of dividend unpaid.

14. A tabular statement of the policies in force for the whole term of life, showing how many thereof for each age of life, and for what amount of risk, were issued or in force during the first year of the existence of the company, during the second year, and so on up to the time of making such statement.

15. A tabular statement of the policies in force for a shorter period than the whole term of life, showing how many thereof for each age of life, and for what amount of risk, were issued or continued in force during the first year of the company's existence, during the second year, and so on up to the time of making such statement.

Companies to be furnished with printed forms of statements.

SEC. 17. The auditor of state shall cause to be prepared, and furnished to every company to which this act shall apply, printed forms of the statements above required; and he may make such changes from time to time, in the form of the same, as shall seem to him best adapted to elicit from said companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Statements to be communicated to the legislature.

SEC. 18. It shall be the duty of the auditor of state to cause the information contained in the statements required in the preceding sections to be arranged in a tabular form, and prepare the same in a single document for printing, which he shall communicate to the legislature.

No person permitted to act as agent, &c., until such company has complied with certain conditions.

SEC. 19. It shall not be lawful for any person to act within this state, as agent or otherwise, in receiving or procuring applications for insurance, or in any manner to aid in transacting the business of insurance, referred to in the first section of this act, for any company or association incorporated by or organized under the laws of any other state government, unless such company is possessed of the amount of actual capital required of companies in this state, and the same is invested in stocks or treasury notes of the United States, or of the state of Ohio, or of the interest-paying bonds of the state in which said company is located, or on bonds and mortgages on unincumbered real estate within the state where such company is located; but all mortgages deposited by any company under this section, shall be upon unincumbered real estate worth double the amount loaned thereon, which stocks and securities shall be deposited with the auditor, comptroller, or chief financial officer of the state by whose laws said company is incorporated, and the auditor of this state furnished with the certificate of such auditor, comptroller, or chief financial officer aforesaid, under his hand and official seal,

Stock and nature thereof.

Certificate to be furnished as security.

that he, as such auditor, comptroller, or chief financial officer of such state, holds in trust and on deposit, for the benefit of all the policy-holders of such company, the security before-mentioned, which certificate shall embrace the items of the security so held, that he is satisfied that such securities are worth one hundred thousand dollars; but nothing herein contained shall be construed to invalidate the agency of any company incorporated by another state, by reason of such company having from time to time exchanged the securities so deposited with the auditor, comptroller, or chief financial officer of the state in which such company is located, for other stock or securities, authorized by this act, or by reason of such company having drawn its interest and dividends, from time to time, for such stocks and securities.

Saving clauses as to exchange of securities.

SEC. 20. Such company shall also appoint an attorney or agent in each county in this state in which the company has established an agency, on whom process of law can be served; and such agent or attorney shall file with the auditor of state a certified copy of the charter of said company, and also a certified copy of the vote or resolution of the trustees or directors of the said company appointing such agent or attorney, which appointment shall continue until another such agent or attorney be substituted. And in case any such insurance corporation shall cease to transact business in this state according to the laws thereof, the agents last designated, or acting as such for such corporation, shall be deemed to continue agents for such corporation, for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this state, and service of such process, for the causes aforesaid, upon any such agent, shall be deemed a valid personal service upon such corporation, and such company shall also file a statement of its condition and affairs in the office of the auditor of state, in the same form and manner required for the annual statements of similar companies organized under the laws of this state.

An attorney to be appointed on whom process may be served.

When service of process to be made upon agents last designated.

Statement of condition, &c., to be filed.

SEC. 21. It shall not be lawful for any agent to act for any company referred to in the foregoing section, directly or indirectly, in taking risks, collecting premiums, or in any manner transacting the business of life insurance in this state, without procuring from the said auditor a certificate of authority, stating that the foregoing requirements have been complied with, and setting forth the name of the attorney for such company, a certified copy of which certificate shall be filed in the county recorder's office of the county where the agency is to be established, and shall be the authority of such company and agent to commence business in this state, and such company or its agent or attorney shall, annually, in the month of January, or within thirty days thereafter, file with the auditor of this state a statement of its affairs for the preceding year, in the same manner and form provided for similar companies in this state.

No agent to act without procuring certificate of authority.

What to contain and where filed.

Annual statements to be filed.

SEC. 22. If the said annual statement shall be satisfactory evidence to the auditor of state, of the solvency and abil-

Renewal certificates to be issued and to be filed.

Securities to be deposited with auditor of state before agent can act for foreign insurance companies.

An attorney to be appointed upon whom process may be served.

Certified copy of charter to be filed

Service of process upon agents.

Statement of condition, &c., of company to be filed in office of auditor.

Agents not to act without certificate of authority.

What certificate to contain and where filed.

ity of the said company to meet all its engagements at maturity, and that the said deposit is maintained, as above required and provided, he shall issue renewal certificates of authority to the agents of said company, certified copies of which shall be filed in the county recorder's office of the county where the agency is located, during the month of January in each year, or within thirty days thereafter, and which renewal certificates shall be the authority of such agents to issue new policies in this state for the ensuing year.

SEC. 23. It shall not be lawful for any person to act in this state as agent or otherwise, in receiving or procuring applications for life insurance, or in any manner to aid in transacting the business of any life insurance company, partnership or association, incorporated by or organized under the laws of any foreign government, until such company, partnership or association, shall have deposited with the auditor of state for the benefit of the policy holders of said company, partnership or association, citizens or residents of the United States, securities to the amount of one hundred thousand dollars of the kind required, or which may hereafter be required for similar companies of this state, and shall have appointed an agent or attorney in each county in this state in which the company has established an agency, on whom process of law can be served, and the said company, partnership or association shall have filed with the auditor of state a duly certified copy of the charter or deed of settlement of the said company, partnership or association, and also a duplicate original copy of the letter or power of attorney of such company or association appointing the attorney thereof, which appointment shall continue until another attorney be substituted.

SEC. 24. In case any such insurance corporation shall cease to transact business in this state according to the laws thereof, the agents last designated or acting as such for such corporation, shall be deemed to continue agents for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this state, and service of such process, for the causes aforesaid, upon any such agent, shall be deemed a valid personal service upon such corporation.

SEC. 25. Such company, partnership or association shall also file a statement of its condition and affairs, in the office of the auditor of state, in the same form and manner required for the annual statements of similar companies organized under the laws of this state. It shall not be lawful for any agent or agents to act for any company, partnership or association organized under the laws of any foreign government, directly or indirectly, in taking risks, collecting premiums, or in any manner transacting the business of life insurance in this state, without procuring from the said auditor a certificate of authority (which shall be renewable annually) stating that the foregoing requirements have been complied with, and setting forth the name of the attorney for such company, a certified copy of which certificate shall be filed in the county recorder's

der's office of the county where the agency is to be established, and which shall be the authority of such company and agent to commence business in this state; and such company, partnership or association, shall, annually, on the first day of January, or within thirty days thereafter, file with the auditor of state, a statement of all its affairs, in the same manner and form provided for similar companies in this state.

Annual statements to be filed.

SEC. 26. Said statement shall be made up for the year ending on the preceding thirtieth day of June, accompanied also by a supplementary annual statement, duly verified by the attorney or general agent of the company or association in this state, giving a detailed description of the policies issued, and those which have ceased to be in force during the year, the amount of premiums received and claims and taxes paid in this state and the United States, for the year ending on the preceding thirty-first day of December.

Supplementary statement.

SEC. 27. Said supplementary statement shall also contain a description of the investments of such company or association, in this country, and such other information as may be required by said auditor; and if the said annual statement shall be satisfactory evidence to the said auditor of the solvency and ability of the said company to meet all its engagements at maturity, he shall issue renewal certificates of authority to the agents of said company, partnership or association, certified copies of which shall be filed by such agents in the county recorder's office of the county where the agency is located, within thirty days after the first day of January, in each year, and which renewal certificates shall be the authority of such agents to issue new policies in this state for the ensuing year.

Renewal certificates to be issued and certified copies thereof filed in offices of county recorders where agencies are located.

SEC. 28. All such foreign insurance companies, partnerships and associations, engaged in the transaction of the business of insurance in this state, as provided for in the first section of this act, shall, annually, on or before the first day of March, in each year, pay to the auditor of state two per cent. on all premiums received in cash or otherwise, by their attorneys or agents in this State, during the year ending on the preceding thirty-first day of December, upon which a tax on premiums has not been paid to any other state, which sum shall be paid into the state treasury, and shall be applicable, as far as necessary, toward defraying the expenses of the supervision of insurance. In case of neglect or refusal, by any such company, to pay said sum, the auditor of state is hereby authorized to collect the same out of the interest on the stocks and securities deposited by such company with the auditor of state.

When collectible out of the interest on securities.

SEC. 29. All foreign insurance companies, associations, corporations, partnerships and individuals, transacting the business of insurance provided for in the first section of this act, shall make annual statements of their condition and affairs to the auditor of state in the same manner and form as similar companies organized under this act.

Foreign insurance companies to make annual reports.

SEC. 30. In case of neglect or refusal to make such an-

Penalty for neglect to make annual statement.

nual statements, as aforesaid, all persons acting in this state, as agents or otherwise, in transacting the business of insurance for said companies, corporations, associations, partnerships or individuals, shall be subject to the same penalties provided by law in case of the failure of any insurance company, organized under the laws of this state, to make an annual statement, as now provided by law.

Fees to be paid county recorder.

SEC. 31. Every county recorder shall demand and receive for every paper filed in his office under this act, the sum of ten cents, as now provided with regard to other fees.

Auditor to cause examination to be made.

SEC. 32. It shall be the duty of the auditor of state, whenever he shall have good reason to suspect the correctness of any annual statement, or that the affairs of any company making such statement are in an unsound condition, to cause an examination to be made into the affairs of any such insurance company for the purposes named in this act, incorporated in this state, or doing business by its agencies in this state; and it shall be the duty of the officers or agents of any insurance company doing business in this state, to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examination so far as it may be in their power so to do.

Books to be opened for inspection.

SEC. 33. For that purpose the said auditor, or the person or persons so appointed by him, shall have power to examine, under oath, the officers and agents of any company relative to the business of said company; and whenever the auditor shall deem it for the interest of the public so to do, he shall publish the result of such investigation in some newspaper printed in Columbus, and of general circulation in the state.

Result of investigation may be published.

Attorney-general to apply to supreme court for an order.

SEC. 34. Whenever it shall appear to the said auditor, from such examination, that the assets of any such company are insufficient to reinsure the outstanding risks, he shall communicate the fact to the attorney general, whose duty it shall then become to apply to the supreme court for an order requiring such company to show cause why the business of the same should not be closed, and the court shall thereupon proceed to hear the allegations and proofs of the respective parties.

When dissolution to be decreed.

SEC. 35. In case it shall appear to the satisfaction of the said court that the assets and funds of the said company are not sufficient, as aforesaid, the said court shall decree a dissolution of the said company and a distribution of its effects, including the securities deposited in the hands of the said auditor. The supreme court shall have power to refer the application of the attorney general to a referee, to inquire into and report upon the facts stated therein.

Certificates, when to be revoked.

SEC. 36. Whenever it shall appear to the said auditor, from the report of the person or persons appointed by him, that the affairs of any company not incorporated by the laws of this state are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to be published for four weeks in a paper published and having general circulation in the county in which said company is doing business, or in the city of

Columbus, and the agent or agents of such company are, after such notice, required to discontinue the issuing of any new policies. The expenses of any examination made under this section, shall be borne by the company so examined.

Expenses of examination.

SEC. 37. Every violation of this act shall subject the party violating to a penalty of five hundred dollars for each violation, which shall be sued for and recovered in the name of the state of Ohio, by the attorney general or prosecuting attorney of the county in which the company or agent or agents so violating shall be situated, and one-half of such penalty, when recovered, shall be paid into the treasury of such county, and the other half to the informer of such violation; and, in case of the non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof.

Penalty for violation of this act.

SEC. 38. When any company, transacting the business of insurance under this act, within the state of Ohio, shall desire to relinquish its business, the auditor shall, upon application of such company or association under the oath of the president or principal officer and secretary or actuary, give notice of such intention in a paper published and having general circulation in the county in which said company is located, at least twice a week for six months.

Proceedings in case a company wishes to relinquish its business.

SEC. 39. After such publication said auditor shall deliver up to such company or association the securities held by him, belonging to them, on being satisfied by the exhibition of the books and papers of such company or association, and on examination, to be made by himself or some competent person, not an officer of any life insurance company in this state, to be appointed by him, and upon the oath of the president or principal officer, and the secretary or actuary of the same, that all debts and liabilities of every kind are paid and extinguished that are due or may become due upon any contract or agreement made with any citizens of the United States. And the said auditor may also from time to time deliver up to such company or association or its assigns, any portion of said securities, on being satisfied in manner and form aforesaid, or by any other competent proof, that all the debts and liabilities of every kind that are due or may become due upon any contract or agreement made with any citizen of this state or of the United States by said company or association, are less than one-half of the amount of the portion of said securities he shall retain.

When securities to be delivered up by auditor.

SEC. 40. That all insurance companies doing any business provided for in section one of this act, heretofore organized under or in pursuance of the act entitled "an act to authorize the incorporation of joint stock insurance companies," passed April 11, 1856, and the several acts amendatory and supplemental thereto, are required to make all the returns and perform all the requirements required of companies organized under this act, and are hereby made subject to all the penalties and are entitled to all the benefits of this act, the same as if organized under this act; provided, however,

Companies organized under former acts to have one year to comply with this act.

4 Curwen, 2796.

that such companies shall have one year from the date of the passage of this act to comply with the requirements thereof, and shall in no way be affected thereby until after the expiration of that period of time ; and hereafter no insurance company, for any of the purposes provided for in section one of this act, shall be organized or incorporated except under and in pursuance of this act.

When foreign companies must make deposit.

SEC. 41. Companies now organized in other states and doing business in this state, who have made no deposit as provided in preceding sections of this act, shall make such deposit within one year from the passage of this act ; but if there be no officer of state authorized to receive such deposit in the state in which the company is organized, then they shall make such deposit with the auditor of this state.

Securities to be deposited in state treasury.

SEC. 42. All securities required by this act to be deposited with the auditor of state, shall be by him deposited with the state treasurer for safe keeping, the said treasurer giving his receipt therefor to the said auditor.

Fees required to pay expenses of executing this act.

SEC. 43. There shall be paid by every company, association, person or persons, or agent to whom this act shall apply, the following fees towards paying the expenses of executing this act : For the filing and examination of the first application of any company, and the issuing of the license thereupon, thirty dollars ; for filing the annual statement now required, twenty dollars ; for each certificate of authority and certified copy thereof, five dollars ; for every copy of paper filed in his office, the sum of ten cents per folio, and for affixing the seal of such office to such copy and certifying the same, one dollar. All of said fees to be paid into the state treasury by said auditor of state.

SEC. 44. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To amend section one of an act passed March 28th, 1864, to prevent the publication, sale, or gratuitous distribution of drugs, medicines and nostrums intended to prevent conception, or procure abortion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above-recited act be so amended as to read as follows:

Publishing advertisements.

Section 1. That if the publisher or publishers of any newspaper in this state, shall print or publish any advertisement of any secret drug or nostrum, purporting to be exclusively for the use of females, or if any druggist or other person shall sell or keep for sale, or shall give away any such secret drug or nostrum, purporting to be exclusively for the use of females ; or if any person shall, by printing or writing, or in any other way publish an account or description of any drug,

Selling or giving away certain drugs

medicine, instrument or apparatus for the purpose of preventing conception, procuring abortion or miscarriage, or shall, by writing or printing in any circular, newspaper, pamphlet or book, or in any other way publish or circulate any obscene notice, or shall, within the state of Ohio, keep for sale or gratuitous distribution, any newspaper, circular, pamphlet or book containing such notice of such drugs, instruments or apparatus, or shall keep for sale or gratuitous distribution any secret nostrum, drug or medicine for the purpose of preventing conception, procuring abortion or miscarriage, such person or persons so violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court; provided that nothing in this act shall be so construed as to affect teaching in regular chartered medical colleges, or the publication of standard medical books.

Advertising
drugs, instru-
ments, &c.

Penalty.

SEC. 2. The above named section one, passed March 28, 1864, is hereby repealed.

SEC. 3. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To enable certain villages to levy a special tax for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village having taxable property exceeding one hundred thousand dollars and less than one hundred and twenty five thousand dollars, are hereby authorized, on petition of citizens of said village owning a majority of said taxable property, to levy a tax in addition to other taxes now authorized to be levied for cemetery purposes, one per cent. for two years, for the purpose of purchasing lands for a cemetery, and improving and embellishing the same.

Special tax
for cemetery
purposes.

SEC. 2. To anticipate the payment of taxes authorized above to be levied, the council of any such incorporated village may issue bonds in behalf of such corporation, and borrow money thereon. Such bonds shall bear the legal rate of interest, and be made payable at such time or times as may be deemed advisable.

Issue of vil-
lage bonds.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To provide for the taxation of bank shares and bankers.

Shares to be listed. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the shares of the stockholders in any bank or banking association, located in this state, whether now or hereafter incorporated or organized under the laws of this state or of the United States, shall be listed at their true value in money, and taxed in the city, ward or town where such bank is located, and not elsewhere.

Tax on real estate. SEC. 2. The real estate of any such bank or banking association, shall be taxed in the place where the same may be located, the same as the real estate of individuals.

Names of stockholders and number of shares held by each. SEC. 3. There shall at all times be kept in the office where the business of such bank or banking association is transacted, a full and correct list of the names and residences of the stockholders therein, and the number of shares held by each, which shall be at all times during business hours open to the inspection of all officers who are or may be authorized to list or assess the value of such shares for taxation.

Statement by president and cashier. SEC. 4. It shall be the duty of the president and cashier of every such bank or banking association, between the first and second Mondays of May, annually to make out and return under oath to the auditor of the county in which such bank or banking association may be located, a full statement of the names and residences of the stockholders therein, with the number of shares held by each, and the actual value in money of such shares, together with a description of the real estate owned by said bank.

Deduction of real estate. SEC. 5. The auditor of the county in which any such bank or banking association may be located, upon receiving the return provided for in the fourth section of this act, shall deduct from the actual total value of the shares in any such bank or banking association, the appraised value of the real estate owned by such bank or banking association, as the same stands assessed on the duplicate and the remainder of the total value of such shares shall be entered on the duplicate of the county, in the names of the owners thereof, in amounts proportioned to the number of shares owned by each, as returned on said sworn statement, and be charged with taxes at the same rate charged upon the value of other personal property at the place where such bank or banking association is located.

Assessment to remain a lien on shares. SEC. 6. Any taxes assessed on any such shares of stock or the value thereof in manner aforesaid, shall be and remain a lien on such shares from the first Monday of May in each year until such taxes are paid; and in case of the non-payment of such taxes at the time required by law by any shareholder, and after notice received of the county treasurer of the non-payment of such taxes, it shall be unlawful for the cashier or other officer of such bank or banking association, to transfer or permit to be transferred the whole or any portion of said stock, until the delinquent taxes thereon, together with costs and penalties, shall be paid in full. And no dividend shall be paid on any stock so delinquent, so long as such

Unlawful to transfer stock until delinquent taxes are paid.

taxes, penalties and costs or any part thereof remain due and unpaid.

SEC. 7. It shall be lawful for any such bank or banking association to pay to the treasurer of the county in which such bank or banking association may be located, the taxes that may be assessed upon its shares as aforesaid, in the hands of its shareholders respectively, and deduct the same from any dividends that may be due or may thereafter become due on any such shares, or deduct the same from any funds in its possession belonging to any shareholder as aforesaid.

Bank may pay taxes and deduct amount from dividends.

SEC. 8. The county treasurer may enforce the collection of any tax or penalty assessed under this act at any time after the same becomes due by distraint, attachment, or other legal proceedings instituted in his name as such treasurer, and in case of his death, or retirement from office before the collection of such taxes or penalties, his successor in office may be made party to such proceedings and prosecute the same to final judgment and execution.

Treasurer may enforce collection of taxes.

SEC. 9. If any bank or banking association shall fail to make out and furnish to the county auditor the statement required by the fourth section of this act, within the time required herein, it shall be the duty of said auditor to examine the books of said bank or banking association; also, to examine any officer or agent thereof under oath, together with such other persons as he may deem proper, and make out the statement required by said fourth section, and enter the value of said shares on the duplicate for taxation. Any bank officer failing to make out and furnish to the county auditor the statement, or willfully making a false statement, as required in the fourth section of this act, shall be liable to [a] fine not exceeding one hundred dollars, together with costs and other expenses incurred by the auditor or other proper officer in obtaining such statement aforesaid; and said auditor shall have the same powers, and the probate judge of the county shall exercise the same powers and perform the same duties in aid of the auditor in the performance of his duties under this section, as are authorized by law in cases where the county auditor is informed or has reason to believe that any party has failed to make any return, or has made a false return for taxation.

Proceedings when bank fails to make return.

Penalty for making false statement.

SEC. 10. All unincorporated banks and bankers shall annually, between the first and second Mondays of May, make out and return to the auditor of the proper county, under oath of the owner, or principal officer or manager thereof, a statement setting forth—

Statement by unincorporated banks or bankers.

1st. The average amount of notes and bills receivable, discounted or purchased in the course of business, by such unincorporated bank, banker or bankers, and considered good and collectable.

2d. The average amount of accounts receivable.

3d. The average amount of cash and cash items in possession or in transit.

4th. The average amount of all kinds of stocks, bonds or evidences of indebtedness, held as an investment, or in any way representing assets.

5th. The average amount of real estate at its assessed value.

6th. The average amount of all deposits.

7th. The average amount of accounts payable, exclusive of current deposit accounts.

8th. The average amount of government and other securities, specifying the kind that are exempt from taxation.

9th. The amount of capital paid in or employed in such banking business, together with the number of shares or proportional interest each shareholder or partner has in such association or partnership.

Deduction
by auditor.

From the aggregate sum of the first five items above enumerated, the said auditor shall deduct the aggregate sum of the fifth, sixth, seventh and eighth items, and the remainder thus obtained shall be entered on the duplicate of the county in the name of such bank, banker or bankers, and taxes thereon shall be assessed and paid the same as is provided for other personal property assessed and taxed in the same city, ward or town.

How averages
obtained.

SEC. 11. The averages provided for in the preceding section shall be obtained by adding together the amounts of each item above specified, owned by or standing on the books of such bank, banker or bankers on the first Monday of each month of the year preceding the Monday of May in which the return is made, and dividing the same by the number of months in the year; provided, that in cases where such bank, banker or bankers commenced business during the preceding year, the division shall be made by the number of months elapsed after the commencement of such business.

Who deemed
bankers.

SEC. 12. Every company, association or person, not incorporated under any law of this state, or of the United States for banking purposes, who shall keep an office, or other place of business, and engage in the business of lending money, receiving money on deposit, buying and selling bullion, bills of exchange, notes, bonds, stocks, or other evidences of indebtedness, with a view to profit, shall be deemed a bank, banker or bankers within the meaning of the tenth, eleventh and thirteenth sections of this act.

SEC. 13. The county auditor shall have the same powers to enforce correct returns under this act, to examine witnesses and enforce their attendance, and have the same aid of the probate judge of the county as is provided by law in cases where individuals fail to list their property for taxation, or are suspected of having made false returns, and in all cases of failure to make returns under this act, or in case of a false return by any unincorporated bank, banker or bankers, the auditor shall ascertain the true amount as near as may be, add fifty per cent. penalty thereto, and charge the party or parties with the taxes on the amount so ascertained by him, with the penalty aforesaid; but in cases of unintentional mistake in making the return, the true amount only shall be charged against the parties without penalty.

SEC. 14. The act entitled "an act to amend an act entitled 'an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money,'" passed April 5, 1859, passed April 4, 1861, be and the same is hereby repealed; provided, that all rights accrued and all obligations incurred under the act hereby repealed shall not be affected by this act.

SEC. 15. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

Powers of
county audi-
tors to en-
force returns.

O' L. vol. 58,
page 59.

AN ACT

To prevent spreading of contagious diseases amongst horses, cattle, and stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person to sell, barter or dispose of, or permit to run at large, any horse, cattle, sheep, or other domestic animals, knowing such horse, cattle, sheep, or domestic animals are infected with contagious or infectious disease, or have been recently exposed thereto, unless he shall first duly inform the person to whom he may sell, barter, or dispose of such horse, cattle, sheep, or other domestic animal of the same; and any person so offending shall, on conviction thereof before any court having competent jurisdiction, be fined in any sum not less than twenty nor more than two hundred dollars, with cost of prosecution, or be confined in the jail of the county for not more than thirty days, at the discretion of the court.

Unlawful to
sell or allow
certain ani-
mals to run
at large.

Penalty.

SEC. 2. That if any person, being the owner or having the charge of any horse, cattle, sheep, or any kind of stock, knowing the same to be infected with contagious or infectious disease, shall knowingly permit it to come in contact with any other person's horses or stock, without such person's knowledge or permission, shall be fined in any sum not less than fifty nor more than five hundred dollars, with costs of prosecution, or be confined in the jail of the county for not less than ten nor more than fifty days, at the discretion of the court.

Penalty for
allowing in-
fected ani-
mals to come
in contact
with other
animals.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

3 Cur. 1938.
S. & C. 940.

Supplementary to an act entitled an act to establish a code of civil procedure, passed March 11th, 1853.

Manner of
serving pro-
cess on non-
residents of
state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a petition in error is filed in any court having jurisdiction thereof, under title sixteen of the act to which this is supplementary, and the plaintiff in said petition in error, his or her attorney shall make an affidavit that any defendant in said proceeding is a non-resident of and absent from the state, or has left the same to avoid the service of summons in error, or so conceals himself or herself that process cannot be served upon him or her, and that said defendant has no attorney of record in the state; in all such cases such defendant in error may be served by publication of notice in the manner prescribed by section seventy-two of the act to which this is supplementary; and such service shall be proved in the same manner as is prescribed in section seventy-three of said act. If the last publication shall have been made ten days before the end of the term, the case shall stand for hearing at that term.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

3 Cur. 2397.
S & C. 897.

To amend section eight of an act entitled an act to provide for the partition of real estate, passed February 17, 1831.

Valuation
of estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the above recited act be so amended as to read as follows:

Section 8. That when any writ of partition shall issue as aforesaid, if the freeholders who are directed to make such partition shall be of opinion that the estate or estates cannot be divided according to the demand of the writ, without a manifest injury of the value thereof, the said freeholders shall then make and return to the court a just valuation of such estate or estates; whereupon, if said court shall approve of the said return, and if any one or more of the parties shall elect to take the said estate or estates at such appraised value, the same shall be adjudged to him, her or them, he, she or they paying to the other party or parties his, her or their proportion of the appraised value thereof, according to his, her or their respective rights; and unless the court shall by special order direct and require, on good cause shown, the entire payment to be made in cash, and unless all the parties in interest shall fail to agree upon the terms of payment, the

terms shall be one-third cash, one-third in one year, and one-third in two years, with interest, the deferred payments to be properly secured to the satisfaction of the court; and on payment being made in full or in part, with sufficient security for the remainder as above provided, the sheriff shall, according to the order of the court aforesaid, make and execute conveyances to the party or parties electing to take the same: provided, that whenever the sheriff shall receive such payment or payments, it shall be in his official capacity, and his securities upon his official bond shall be liable therefor.

Terms of
payment.

SEC. 2. That said original section eight be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

Providing for the dispositions of unclaimed freight and express packages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of all express companies, transportation companies, forwarding and commission merchants, common carriers, warehousemen, wharfingers and railroad companies, doing business in this state, within thirty days after the receipt of any property in their warehouse, depot, station, store, or other place of deposit, or doing business, when such property is plainly marked with the owner's name and place of residence, or shall be otherwise known, such persons, associations, or companies, to notify the owner or owners that such property is held by them subject to charges.

Notice must
be given to
owner of
property.

SEC. 2. That all such persons, associations, or companies shall keep a register, in which shall be entered a list or inventory of all goods, wares, merchandise, baggage, or other property, with a pertinent description thereof by marks thereon, size, weight or color, and the depot, warehouse, or other place where the same is deposited, the time when the same was received, and the amount of charges claimed thereon, which may be left in the possession of such persons, associations, or companies, by reason of the owner or owners being unknown, or when such owner's residence is not known, or when such property has been refused, or the owner has neglected to receive and take the same for a period of sixty days.

Company
must keep
register of
goods, etc.

SEC. 3. That when any such property has been conveyed to any point in this state, and shall remain unclaimed for the space of twelve months, at the place to which it is consigned, and the owner, whether known or unknown, fails within that time to claim such freight, or other property, and to pay the proper charges, if there may be any against it, then it shall

When prop-
erty may be
sold.

be lawful for such persons, associations, or companies to sell such freight, or other property, at public auction, offering each article separately.

SEC. 4. Sixty days notice of the time and place of sale, and a descriptive list of the articles to be sold, with the names, numbers, or other marks found thereon, shall be posted up in three public places of the county where the sale is to be made, and in the office of such company where the goods are; and shall also give notice in at least one paper in the county for thirty days before sale, and out of the proceeds of such sale such persons, associations, or companies shall pay the proper charges on such freight or other property, including costs of storage for the previous twelve months, and expenses of sale, and hold the overplus, if any, subject to the order of the owner, at any time within one year, on proof of ownership, made by the affidavit of the claimant or his duly authorized agent or attorney; also, after one year, all sums of money remaining unclaimed to be paid into the state treasury, to be placed to the account of common schools.

SEC. 5. All such persons, associations, or companies shall keep a copy of the notice, a copy of the sale bill, and the expenses thereof, proportioned to each article sold, and also the oath of the claimant of the residue of the proceeds as aforesaid, and shall furnish an inspection of the same, and, if required, copies thereof to any one, on payment of the proper charges therefor.

SEC. 6. If any perishable property shall be so conveyed as freight as aforesaid, and remain unclaimed until in danger of great depreciation, or the same shall be refused, or the owner thereof cannot be found, then such persons, associations or companies may sell at private sale or auction, without giving notice, for the best price it will bring, and apply the proceeds as aforesaid.

SEC. 7. If any such person or persons, associations, or companies shall refuse or neglect to perform any of the duties required by this act, with the intent to avoid the provisions thereof, every such person or persons, associations or companies shall forfeit and pay any sum not less than one hundred dollars, nor more than five hundred dollars, at the discretion of the court, to be recovered for the use of common schools, in the county in which the principal office of such person or persons, association or company is located, and shall, moreover, be liable to any person injured thereby in double the value of the property.

SEC. 8. If any person, having the custody of any such property, or the proceeds thereof, shall conceal, embezzle, or in any manner dispose of the same with intent to avoid the provisions of this act, or convert the same to their own use, every person so offending shall be deemed guilty of larceny, and upon conviction thereof, shall be punished as for stealing other property of like value.

SEC. 9. If the owner of any such property shall at any time within five years reclaim the same, and produce satisfactory evidence to the auditor of state of his ownership thereof, the said auditor shall draw his warrant upon the treasurer of state for the amount paid into the state treasury.

Publication
of notice of
sale.

Copy of sale
bill must be
preserved.

Sale of per-
ishable
articles.

Penalty for
evading pro-
visions of
this act.

Penalty for
concealing
or embez-
zling.

Property
may be
reclaimed
within five
years.

SEC. 10. The act entitled "an act authorizing the sale of property for charges in certain cases," passed April 8, 1856, and the act entitled "an act to provide for the disposition of unclaimed property in the possession of railroad companies, express companies, common carriers, forwarding and commission merchants, wharfingers and warehousemen," passed March 25, 1863, are hereby repealed. 4 Cur. 2755.
S. & C. 257.

SEC. 11. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To provide for the payment of United States duties or taxes on estates of deceased persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any lands charged with a succession duty, or tax under the laws of the United States, shall be sold upon proceedings in partition, or shall be taken by the election of any of the parties to such proceedings, or when any real estate, charged with such succession duty or tax, shall be sold at judicial sale, or by administrators, executors, guardians or trustees, the court shall order the said duty or taxes, and penalties and charges thereon, against such lands, to be discharged out of the proceeds of such sale or election, or make such other order as may be necessary to discharge such lands from the lien of such succession duty, or tax.

How lands
released
from succe-
sion duty.

SEC. 2. This act shall take effect upon its passage, and shall apply to all cases now pending, in which a final order has not heretofore been made.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To provide for the inspection of mineral oils for illuminating purposes, and to repeal acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon the application of five or more citizens of any county in this state, wherein any mineral oils are made, refined or produced for the purpose of burning in any kind of lamp as an illuminator, or where any of them are sold for that purpose, the judge of the court of common

Inspectors
may be ap-
pointed.

Inspector's
brand.

Manner of
testing oils.

No oils to be
sold without
being in-
spected.

Who liable
for damages
or injuries.

pleas shall appoint a sufficient number of suitable and qualified persons, who are not interested in the making or vending of any of said oils, who shall, at their own expense, provide themselves with the necessary instruments and apparatus for testing the quality of said oils for illuminating purposes, that they shall be requested by any manufacturer, refiner, dealer, vender or producer to test and examine, and if, upon such testing or examination, the oils so tested shall meet the requirements hereinafter specified, the inspector shall fix his brand and device "approved," with the date, upon the package, cask or barrel containing the same; and it shall be lawful for any manufacturer, refiner, dealer or producer to sell the same as an illuminator. But if the oil so tested shall not meet the requirements hereinafter specified, he shall mark upon such package, cask or barrel, "rejected for illuminating purposes," under his name, and it shall be unlawful for the owner thereof to sell it for illuminating purposes, under the pains and penalties hereinafter provided.

SEC. 2. It shall be the duty of the inspector, when called upon for that purpose, promptly to inspect all oils hereinbefore mentioned, and to reject as dangerous all of said mineral oils, known by whatsoever name, which, at the temperature of one hundred and ten degrees Fahrenheit's thermometer, will emit an explosive gas; provided, that the instrument used in testing of said mineral oils shall be that made with a suspended wick, by John Tagliabur, of New York; and provided, also, that the quantity of oil used in the test shall not be less than half a pint, and the temperature slowly raised to the degree at which such explosive gas is emitted, or to that hereinbefore provided as a test.

SEC. 3. That if any person, whether manufacturer, refiner, dealer or producer, shall sell or attempt to sell to any person in this state any of said mineral oils for illuminating purposes, whether manufactured, refined or produced in this state or not, before having the same inspected, as provided by this act, or if any manufacturer, refiner, vender, producer or inspector of said mineral oils for illuminating purposes, shall falsely brand the package, cask or barrel containing the same, as provided in the first section of this act, or shall use barrels, casks, or packages having the inspector's brand, without the oil therein having been inspected, he or they so offending, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both at the discretion of the court; and any person violating any provision of this act, or who shall neglect to do what is required herein, shall be liable to any party injured for any damage sustained thereby, and if any loss of life result as a consequence of not doing what is herein required, or by the neglect of the manufacturer, refiner, dealer, producer or inspector to do what is hereby enjoined, the person so delinquent shall be deemed guilty of manslaughter, and punished according to the statute in such cases made and provided.

SEC. 4. All prosecutions for fines and penalties under the provisions of this act shall be by indictment in the court of common pleas of the proper county, and when collected, the one-half of the same shall be paid to the informer, and the remaining one-half be paid into the county treasury, for the use of the county.

Prosecu-
tions.

SEC. 5. Every person appointed inspector shall, before he enters upon the duties of his office, take an oath or affirmation to support the constitution of this state and of the United States, and perform the duties of his office with fidelity. He shall also execute a bond to the state of Ohio, in such sum and with such surety as shall be approved by the court of common pleas of the county where appointed, conditioned for the faithful performance of the duties imposed on him by this act, which bond shall be for the use of all persons aggrieved by the acts or neglects of such inspector.

Oath and
surety of in-
spector.

SEC. 6. The term of office of an inspector shall be for three years; and every inspector shall, upon requisition of any manufacturer, vender or producer of the oils herein mentioned, proceed without unnecessary delay to the inspection thereof; and the said inspector shall be entitled to demand and receive from the owner or party calling upon him, where there are three or more refineries of said mineral oils in a county, the sum of six cents for every package, cask or barrel of said refined mineral oils or crude petroleum, and when there are a less number of refineries in any county, the sum of ten cents for any package, cask or barrel inspected and branded by him.

Term of of-
fice and fees
of inspectors.

SEC. 7. No inspector shall, while in office, buy, sell, barter or otherwise trade, directly or indirectly, in any of the aforesaid mineral oils which they are appointed to inspect; and for the violation of this section they shall be liable to a fine of not more than five hundred and not less than two hundred dollars, to be collected in accordance with the provisions of section five of this act.

Inspectors
not allowed
to buy or sell
oils.

SEC. 8. That an act passed May 1st, 1862, entitled "an act to provide for the inspection of petroleum oils for illuminating purposes, and amendatory thereto," passed March 9, 1866, be and the same are hereby repealed.

SEC. 9. This act shall be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

4 Curwen,
2597.
S. & C. 1533.

To amend an act passed April 23, 1854, entitled "an act to amend section twenty-five of an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-five of the above recited act be so amended as to read as follows :

Proceedings
of police
courts.

Section 25. The police court shall always be open for the dispatch of business, but may adjourn from day to day or from time to time; and the mode in which cases shall be brought before the court shall be fixed by the ordinance of the city council or a rule of the police court; the jurors in said court shall have the qualifications of jurors in the court of common pleas, and shall be summoned and impaneled in accordance with an ordinance of the city council, or in case the city council shall fail to pass such ordinance, in accordance with a rule of court; and the said court shall have power to compel the attendance of witnesses, jurors and parties.

Duties of
judge.

The police judge shall adopt such rules of practice and procedure as will give all parties a proper statement of any charge against them, and a full opportunity of being heard, but shall at the same time dispatch the business with all convenient speed, and all rules of the court shall be written or printed, and posted in the room in which the police court holds its sittings. There shall be a clerk of the police court, who shall perform like duties as the clerk of the court of common pleas in like cases, and who shall hold his office for the term of three years, and until his successor is elected and qualified. Any clerk of the police court, heretofore elected under the provisions of the act to which this is amendatory, shall continue in office until the expiration of the term for which he was elected, and until his successor is elected and qualified; and the clerk of said court shall be elected on the first Monday in April triennially, under the same rules and regulations by which other municipal officers are elected. He shall, before entering upon the duties of his office, take an oath to support the constitution of the United States and of the state of Ohio, and faithfully, diligently and impartially to discharge the duties of his office, and he shall execute a bond, with sufficient surety, to the city and to the county commissioners of the county in which said court is situated, in such sum as the city council of said city and the county commissioners of such county shall prescribe, conditioned for the faithful performance of the duties of his office. He shall receive for his services in city cases a fixed salary or compensation, to be prescribed by an ordinance of the city council, and for state cases prosecuted in said court, such further allowance, not to exceed eight hundred dollars, as the county commissioners of such county shall deem right and proper. He shall have the power to administer oaths, and to appoint two or more deputies, to be approved by the city council, who shall receive such reasonable compensation, not exceeding fifteen hundred dollars per annum, as the city council shall prescribe. In case of the temporary inability

Rules.

Clerk ;

—term of
office ;

—election ;

—oath ;

—bond ;

—salary ,

—fees.

Deputies ;

—their sala-
ries.

of the clerk to perform the duties, when no deputy shall have been appointed, the police judge may appoint some competent person, who shall give bond to the satisfaction of the judge, and take the oath prescribed in this section, and perform all the duties and have all the powers imposed upon said clerk, and be paid out of the city treasury on the order of the city council at the same rate as the clerk is paid for similar services; provided, that such appointment shall be valid only until the disability of such clerk may be removed. The clerk of said court shall not be concerned as counsel or agent in the prosecution or defense of any case before said court.

When judge may appoint clerk.

Clerk cannot act as counsel.

O. L. vol. 64, page 5.

SEC. 2. That the said original twenty-fifth section of said act, as passed April 28, 1854, and the act amendatory of said act, passed January 23, 1867, be and the same are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To authorize the county commissioners to levy a tax for certain purposes named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county having an infirmiry farm within the limits for taxation of any free turnpike road, be and are hereby authorized to levy a tax on the taxable property of the county, in addition to other taxes, for the purpose of paying the equitable proportion of taxes which would be levied on said farm, if the same was subject to taxation as other property within the bounds of any free turnpike road under the laws of the state, authorizing the construction of free turnpike roads, and apply the money arising from such levy to aid in the construction of such road.

Tax may be levied on infirmiry farms for constructing free turnpikes.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 16, 1867.

AN ACT

Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

3 Curwen, 1835.

SECTION, 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any street, alley or public

Regulating
assessments
for grading
and paving
in villages.

highway within any incorporated village shall have been graded, or pavements shall have been constructed in conformity to grades established by the authorities of such village and the expense thereof shall have been assessed on the lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change is asked for by a majority of the owners of such lots or lands, but the expense of all improvements occasioned by such change of grade shall be chargeable to the general fund of such corporation.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To authorize county surveyors to transcribe maps, records of plats, and field notes of surveys of lands in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the surveyors of the several counties in this state be and they are hereby authorized and empowered, in case the work be directed by order of the county commissioners of the respective counties, to transcribe any and all dilapidated maps, record of plats and field notes of surveys in their respective county offices, into suitable books, by them to be provided for that purpose, and paid for out of the county treasury, and that the same be placed among the records in their respective offices and made a part thereof, and have the same validity and legal effect as other records of a like kind in the several offices of the county surveyors of the state.

SEC. 2. That after all such maps, records of plats and field notes of surveys shall have been transcribed and placed among the other records of a like kind, as in the first section of this act provided, copies thereof, duly certified by the surveyor of the proper county, shall be received in evidence in the same manner, and shall have the same force and effect as by law is given to copies of other records of maps, records of plats and field notes of surveys; and the surveyors of the several counties shall make a complete index to all records so by them transcribed; and the surveyors aforesaid shall be allowed and receive for their services, to be performed under this act, such compensation as the commissioners of the respective counties may deem reasonable and just, which compensation shall be paid on the order of the commissioners aforesaid, out of the treasury of their proper county.

Dilapidated
maps, re-
cords, field
notes, &c.,
to be tran-
scribed.

Transcribed
records, &c.,
to be received
as evidence.

Index.

compensa-
tion for
surveyors.

SEC. 3. That nothing contained in this act shall be so construed as to prevent copies from the original records from being received in evidence, as is now provided by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

Making appropriations for the year 1867, and the first quarter of the year 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations applicable to the same purposes, herein expressed, except as hereinafter provided, be and the same are hereby appropriated out of any moneys belonging to the general revenue, to be paid out of the treasury according to law, viz.:

STATE SALARIES AND EXPENSES.

To pay the salaries of the governor, lieutenant-governor, auditor of state, treasurer of state, secretary of state, attorney general, comptroller of the treasury, commissioner of common schools, commissioner of statistics, state librarian, commissioner of soldiers' claims, private secretary of the governor, superintendent of the state house, supervisor of public printing, clerk of the supreme court and law librarian, twenty-three thousand dollars.	State officers.
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To pay the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms and assistants, and messengers, under resolutions of the senate and house, and the laws, in addition to former appropriations, twenty thousand dollars.	Members, clerks, &c., of general assembly.
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To pay the salaries of the judges of the supreme court, courts of common pleas and superior courts, ninety-seven thousand dollars.	Judges.
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To pay the clerks in the office of the auditor of state ten thousand two hundred dollars.	Clerks in state offices
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To pay the clerks in the office of the treasurer of state, four thousand six hundred dollars.

To pay the clerks in the office of the secretary of state, two thousand seven hundred dollars.

To pay the clerks in the office of the comptroller of the treasury, two thousand seven hundred dollars.

To pay one clerk in the office of the commissioner of common schools, one thousand dollars.

To pay the traveling expenses of the commissioner of common schools, three hundred dollars.

To pay clerk in the office of the attorney general, six hundred dollars for the year 1867, and one hundred and fifty dollars for the first quarter of 1868.

For the distribution of the laws and journals, twelve hundred dollars.

TRUSTEES.

Trustees.

To pay the expenses of the trustees of the benevolent institutions, sixteen hundred dollars.

STATE HOUSE.

State house.

To pay the ordinary expenses in taking care of the state house and grounds, and preparing the halls for the general assembly, four thousand dollars.

To pay the engineer and laborers and other necessary expenses of the heating apparatus, eleven hundred dollars.

For the necessary repairs of engine, boiler and other apparatus connected therewith, one thousand dollars, and the unexpended balance of appropriation of April 6th, 1866, amounting to the sum [of] sixteen hundred and twenty-one dollars and seventy-two cents, is hereby directed to be transferred to the general revenue fund in the treasury.

For the purchase of fuel for warming the state house, eight thousand dollars.

To pay for gas for lighting the state house, four thousand five hundred dollars.

To pay the night-watch at the state house, to be employed by the treasurer of state, eight hundred dollars. Said night-watch shall also discharge the general duties of night-watch at the state house.

To pay for pavement and gutter on the west side of Third street and along the east side of the state house square, in conformity to the specifications of the civil engineer of the city of Columbus, the pavement to be made of brick and the gutter of stone, two thousand three hundred dollars.

For supplying the new state seal and presses, two thousand dollars.

To complete the records of surveys in the office of the secretary of state, in pursuance of law, three hundred and seventy-five dollars.

SUPREME COURT.

Supreme court.

To pay the messenger of the supreme court to the end of his service, sixty-five dollars.

To pay the crier of said court to the end of his service, fifty dollars.

For the purchase of books for the law library of said court, one thousand dollars.

For the incidental expenses of said court, two hundred dollars.

The two last preceding appropriations shall be expended under the direction of the chief justice of said court.

To pay the salary of the reporter of the supreme court, three hundred dollars.

For the purchase of Ohio Reports, the unexpended appropriation for the year 1866, is hereby transferred and made applicable to the same service for 1867.

STATE LIBRARY.

To purchase books, magazines and newspapers for the state library, one thousand dollars; and to provide book-cases, as provided by law of this session, fifteen thousand dollars. Statelibrary.

STATIONERY AND PRINTING.

For stationery and blank books, including printing paper, and articles necessary for the general assembly, in addition to former appropriations, thirty-five thousand dollars. Stationery,
and printing
and binding.

To pay for printing for the state in addition to former appropriations, thirteen thousand dollars.

To pay for binding for the state, in addition to former appropriations, nine thousand dollars; provided, that no part of said sum be applied under the contract before the last, for binding for the state.

The expense of publishing the Ohio Agricultural Report for the year 1866, in pursuance of the joint resolution passed by the general assembly, February 1st, 1866, and in accordance with the act passed March 24th, 1860, shall be paid out of the three last appropriations.

CONTINGENT FUNDS.

For the governor's civil contingent fund, and for necessary repairs and refitting of his executive rooms, and to pay for surgeons and nurses temporarily employed, and for expenses incurred in the transportation or temporary relief of sick, wounded or disabled soldiers of Ohio, three thousand dollars. Contingent
funds.

To pay the contingent expenses of the different officers and departments of the state government, other than that of the governor, seven thousand dollars.

The compensation allowed to messengers out of this fund shall not exceed forty dollars per month.

PUBLIC WORKS.

To pay the salaries of the members of the board of public works, twenty-one hundred and seventy-five dollars. Public
works.

To pay the salaries of resident engineers on the public works, three thousand six hundred dollars.

To pay the clerk of said board, seven hundred and twenty-six dollars and ninety-two cents.

To pay attorney's fees and other incidental expenses necessarily incurred on the different divisions of the public works, two hundred and fifty dollars.

The unexpended balance of the appropriation of April 13th, 1865, to the improvement of the Licking feeder, to be expended under the direction and upon the judgment of the board of public works, amounting to the sum of three thousand five hundred and sixty-six dollars and sixty-six cents, is hereby reappropriated to the same service.

To clean out and deepen the ditch heretofore dug by the state for the purpose of carrying off the surplus water west of the Granville feeder near the crossing of the Central Ohio railroad, two hundred dollars.

MILITARY.

Military.

The clause in the general appropriation act of April 6, 1866, making appropriations for the governor's extraordinary military contingent fund is hereby repealed, and the unexpended balance thereof is directed to be transferred to the general revenue funds in the treasury.

For the payment of the salary of the adjutant general, two thousand dollars.

To pay the salaries of the clerks in the office of the adjutant general, eight thousand dollars.

To pay clerks in the bureau of soldiers' claims, six thousand and five hundred dollars.

To pay for necessary tools and labor at the state arsenal, one thousand dollars.

TRANSPORTATION.

Transportation.

There is hereby appropriated all moneys that have been or may hereafter be received from soldiers and others, to pay like transportation during the current fiscal year, and the first quarter of the year 1868, to be paid upon warrants on the state treasury, as in other cases, based upon accounts on which the governor or some person by him duly authorized so to do, or adjutant general shall have indorsed his approval. The clause in the appropriation act of April 6, 1866, in relation to transportation, is hereby repealed.

To pay the salary of the Ohio military agent at Washington and the expenses of his office, including necessary clerk hire, to be paid upon the certificate of approval by the governor, and on the warrant of the auditor of state, after said auditor shall have carefully audited the same, there is hereby appropriated the unexpended balance of the appropriation of April 6, 1866.

OHIO PENITENTIARY.

Penitentiary.

To pay the per diem and expenses of the directors of the Ohio penitentiary, fifteen hundred dollars.

To pay the salaries of the warden, steward, deputy warden, physician, clerk, assistant clerk, chaplain, superintendent of state shops, superintendent of hospital, superintendent of kitchen, captain of the night guard, and matron of the Ohio penitentiary, ten thousand dollars, and for the first quarter of the fiscal year 1868, three thousand dollars.

To pay the guards or assistant keepers at the penitentiary, thirty-three thousand dollars; and for the first quarter of the fiscal year 1868, ten thousand dollars.

To pay discharged convicts, two hundred and fifty dollars.

For the purchase of books for the prison library, for convicts and day schools, four hundred dollars.

To pay the current expenses of the penitentiary, seventy thousand dollars, and for the first quarter of the fiscal year 1868, twenty thousand dollars.

To refund to convicts moneys received into the treasury for overwork, a sum not exceeding the amount so received.

To pay convicts rewards for diligence and good conduct, seven thousand dollars.

To pay the costs of prosecution and transportation of convicts to the Ohio penitentiary, forty thousand dollars.

For building cisterns and other necessary repairs and improvements at the Ohio penitentiary, in addition to balance of former appropriation, nine thousand dollars.

To pay for additional medical services in case of the prevalence of the Asiatic cholera in the Ohio penitentiary, the sum of five hundred dollars.

CENTRAL OHIO LUNATIC ASYLUM.

To pay the salaries of the superintendent, assistant physician, steward and matrons of the central Ohio lunatic asylum, two thousand six hundred dollars, and for the first quarter of the fiscal year 1868, eight hundred dollars.

Central lunatic asylum.

To pay the moral instructor and for the purchase of books and pictures, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, fifty-five thousand dollars, and for the first quarter of the fiscal year 1868, nineteen thousand dollars.

For necessary improvements and the purchase of additional machinery and apparatus for said institution, six thousand dollars.

NORTHERN OHIO LUNATIC ASYLUM.

To pay the salaries of the superintendent, assistant physician, steward and matron of the northern Ohio lunatic asylum, two thousand seven hundred dollars, and for the first quarter of the fiscal year 1868, eight hundred dollars.

Northern lunatic asylum.

For the purchase of books and pictures for said asylum, two hundred dollars.

For provisions and the necessary current expenses and repairs of said asylum, thirty-seven thousand dollars, and for the first quarter of the fiscal year 1868, eleven thousand dollars.

For the erection and completion of the additions to said northern lunatic asylum, in accordance with the original design, and to be expended by the trustees thereof, subject, so far as applicable, to all the restrictions and requirements of section three of the act entitled "an act to provide for the erection of two additional lunatic asylums," passed April 30, 1852, the sum of eighty thousand dollars, not more than one-half of which shall be drawn from the treasury during the year 1867; provided, that the trustees may be authorized to make any changes in the internal arrangement in said additions, not involving additional expense as in their judgment may add to the comfort and health of the inmates.

SOUTHERN OHIO LUNATIC ASYLUM.

Southern
lunatic asy-
lum.

To pay the salaries of the superintendent, assistant physician, steward and matron of the southern Ohio lunatic asylum, two thousand four hundred dollars, and for the first quarter of the fiscal year 1868, eight hundred dollars.

To pay the moral instructor and for the purchase of books and pictures for said asylum, two hundred dollars.

For the purchase of provisions and to pay the necessary current expenses, and for repairs of said asylum, thirty-five thousand dollars, and for the first quarter of the fiscal year 1868, eleven thousand dollars.

For the erection of the additions to said southern lunatic asylum, in accordance with the original design, and to be expended by the trustees thereof, subject, so far as applicable, to all the restrictions and requirements of section three of the act entitled "an act to provide for the erection of two additional lunatic asylums," passed April 30th, 1852, the sum of one hundred and twenty-five thousand dollars, only one-half of which shall be drawn from the treasury during the year 1867.

Provided, that the trustees may be authorized to make any changes in the internal arrangements of said additions, not involving additional expense, as in their judgment may add to the comfort and health of the inmates.

DEAF AND DUMB ASYLUM.

Deaf and
dumb asy-
lum.

To pay the salaries of superintendent, steward, matrons, physician, teachers, masters of shops and other employees of the asylum for the deaf and dumb, seven thousand dollars, and for the first quarter of the fiscal year 1868, four thousand dollars.

For the purchase of provisions, and for the necessary current expenses and repairs of said asylum, ten thousand dollars, and for the first quarter of the fiscal year 1868, four thousand dollars.

To provide materials and fixtures for and defray expenses of printing and binding departments in said asylum, three thousand dollars.

For the completion of the new building for the deaf and dumb asylum, in pursuance of the law for the erection thereof, including plumbing, gas pipes and fixtures, heating apparatus, engine house, tanks, cooking, drying and washing apparatus, with everything necessary to put the same in complete working order, one hundred and fifty thousand dollars.

To provide furniture, beds, bedding and all other articles necessary to furnish the new institution for occupation, forty thousand dollars.

The trustees of the asylum for the deaf and dumb are hereby authorized, if they find the same necessary, to purchase an additional lot of ground convenient to said institution, for the purpose of erecting thereon the necessary engine, machinery and shop room to be used and employed for the

use of the same, at a cost for said lot not exceeding six thousand dollars; and said trustees are hereby authorized to use any part of the material of the old building which they may find available in the erection of the building and fixtures on said lot, and to sell all other portions of said old building and apply the proceeds, along with such portion of the other moneys appropriated to the construction and maintenance of said asylum as may be necessary to pay the aforesaid purchase money.

For the purchase of site and the erection of building for the new lunatic asylum to be expended by the trustees thereof, the sum of one hundred and fifty thousand dollars, provided that not more than thirty thousand dollars shall be drawn from the treasury during the year 1867.

New lunatic
asylum.

ASYLUM FOR THE BLIND.

To pay the salaries of the superintendent, steward, matron and teachers of the institution for the education of the blind, six thousand dollars, and for the first quarter of the fiscal year 1868, two thousand dollars.

Blind Asy-
lum.

For the purchase of provisions and to pay the other necessary current expenses and repairs of said institution, fifteen thousand dollars, and for the first quarter of the fiscal year 1868, five thousand dollars.

THE ASYLUM FOR IDIOTS.

To pay the salaries of the superintendent, matron and teachers of the asylum for idiots, one thousand nine hundred dollars, and for the first quarter of the fiscal year 1868, six hundred dollars.

Idiot Asylum

For the purchase of provisions and payment of the necessary current expenses of said asylum, nine thousand dollars, and for the first quarter of the fiscal year 1868, three thousand dollars.

To pay insurance on, and rent of the building and grounds occupied by said asylum, eight hundred and twenty-five dollars.

To complete the new asylum for idiots, and provide all necessary fixtures, furniture and apparatus to put the same in operation, the sum of fifty thousand dollars, to be paid to the trustees of said asylum in such sums as they may, from time to time, certify to the state auditor to be necessary to carry into effect the objects of this appropriation.

LONGVIEW ASYLUM.

For the Longview Asylum, a sum to be computed and ascertained by the auditor of state, agreeably to the laws providing for the constitution of the county of Hamilton into a separate district for lunatic asylum purposes, and for the erection and government of an asylum therein; and the sum hereby appropriated shall be paid on the warrant of the auditor of state, upon like vouchers as in the case of other lunatic asylums.

Longview
Asylum.

CONTINGENT EXPENSES OF GENERAL ASSEMBLY.

Contingent
expenses
general as-
sembly.

To pay for repairs of furniture, and new furniture and fixtures provided for the halls of the senate and house, and other incidental expenses of the general assembly, to be audited and paid upon vouchers approved by the sergeant-at-arms of the senate and house respectively, twelve hundred and fifty dollars.

To pay the expenses of standing and select committees of both branches of the general assembly, to be audited and paid upon the certificate of the chairman thereof, eight hundred dollars, and three hundred dollars to pay for one hundred days services by the special committee on railroads of the senate, during the recess of the general assembly, to be paid to them.

OHIO REFORM FARM.

Reform
school.

To pay the salaries of the acting commissioner, teachers, matron, superintendent of shops and other officers and employees of the Ohio Reform School for the year 1867, seven thousand dollars, and for the first quarter of the fiscal year 1868, two thousand five hundred dollars.

For the purchase of provisions, furniture, clothing, school books and other necessary expenses for maintaining and educating the youth committed and admitted to said institution, twenty-four thousand dollars, and for the first quarter of the fiscal year 1868, three thousand dollars.

For the erection of two new family buildings for said institution of similar size and design of those specified and provided for in the appropriation bill of April 6th, 1866, and subject to the same limitations and restrictions as to cost, and for providing the same with heating apparatus, furniture, beds and bedding; and also adding basement story and heating apparatus to one of the present buildings, twenty thousand dollars.

For the purchase of lumber for fencing and repairs for the reform farm, one thousand dollars.

AGRICULTURE.

Agriculture.

For the encouragement and improvement of the agricultural interests of the state, three thousand three hundred dollars, to be expended as the state board of agriculture may deem most conducive to that end; provided that the said board of agriculture shall pay the sum of three hundred dollars out of this appropriation to the Ohio Pomological Society. The sum hereby appropriated shall be paid to the president of the Ohio State Board of Agriculture on the warrant of the auditor of state, drawn upon the treasurer.

For the contingent expenses of the board of agriculture, including engravings for agricultural reports, two hundred and fifty dollars.

TAXES IMPROPERLY ASSESSED AND COLLECTED.

Taxes im-
properly as-
sessed.

To refund taxes improperly assessed or too often collected, and which shall have come into the state treasury, claims

for which are to be carefully audited and adjusted by the auditor of state, and paid to the several parties entitled thereto upon his warrant, the sum of twenty-five thousand dollars.

MISCELLANEOUS ITEMS.

To provide a new carpet for the bar portion of the supreme court room, four hundred dollars.

Carpet.

To enable the treasurer of state to provide two new safes for the treasury department, three thousand dollars.

Safe.

To pay balance found due to Benno Speyer, late commissioner of immigration, for expenses of his office, nine hundred and forty-eight dollars and seventy-five cents.

Claim of Benno Speyer.

To pay the salary of the railroad commissioner and clerk, five thousand two hundred dollars.

Railroad commissioner and clerk.

To pay the claim of James Johnson for labor done and material furnished in repairing waste way to Miami Canal, near Cumminsville, in Hamilton county, and fencing made, four hundred and thirty-eight dollars and ninety-two cents.

Claim of James Johnson.

To pay the expenses of the public reception by the general assembly of General Sheridan, the sum of two hundred and forty-nine dollars and sixty cents, to be audited and paid upon accounts certified by the chairman of committee.

Reception of General Sheridan.

To pay for enlarging the culvert on the Miami and Erie Canal, near the feeder-lock, in Concord township, Miami county, four thousand dollars.

Enlarging culvert.

To pay Blackburn and Koehler, architects, for examination and report on the decay of stone of state house, the sum of fifty dollars. To pay N. B. Kelley for drawings, specifications and estimates for new water closets, for use of the members of the house of representatives, fifty-six dollars.

Architects.

To pay the sum appropriated by an act passed April 3, 1867, to aid in the purchase and improvement of the Antietam National Cemetery, near Sharpsburg, Maryland, and for the removal of the remains of Ohio soldiers who fell and are buried in that vicinity, and for their interment therein, and for plainly and durably marking their graves, five thousand dollars.

Antietam national cemetery.

To pay for the services of an additional clerk in the auditor's office, required by the increased labor growing out of the amended insurance law, one thousand dollars.

Additional clerk.

To pay Robert Clarke & Co. for six hundred copies of Gholson & Okey's Digest of Ohio, and Ohio State Reports, the sum of forty-two hundred dollars, to be paid when said copies are delivered, and conform, in all respects, to the requirements of [a] joint resolution passed April 5, 1866.

Digest and Ohio Reports

MILITARY CLAIMS.

SEC. 2. That for the payment of certain outstanding military, accounts and claims, to-wit:

Military claims.

First—Accounts for services, transportation, forage subsistence and expenses incurred in calling out the militia, by the governor to repel the "Morgan raid," under the "act to

provide more effectually for the defense of the state against invasion," passed April 11, 1863. (60 O. L., p. 77.)

Same.

Second—Accounts for services, transportation, forage, subsistence and expenses incurred in calling out the national guard by the governor for the protection of the national government in 1864, under the "act to provide more effectually for the defense of the state against invasion," passed March 30, 1864. (61 O. L., p. 81.)

Third—Accounts outstanding, and which may be found due the national guard, and all other claims against the "state military fund" under provisions of section one of "an act to distribute to the several counties of the state certain funds therein named," passed April 5, 1866, (63 O. L., p. 137), and under clause ninth of section one of "an act to provide a board of commissioners to examine certain military claims," passed April 6, 1866, (63 O. L., p. 157), there is hereby appropriated the sum of twenty-five thousand dollars; provided, that all accounts under the first two clauses of this section shall be made out in triplicate, and approved by the governor before allowance by the auditor of state.

SEC. 3. The balance of the "state military fund," and twenty-five thousand dollars of the soldiers' relief fund, now remaining in the treasury, is hereby ordered to be temporarily transferred to the general revenue fund.

SEC. 4. There is hereby appropriated for the payment by the state of bounties to veteran volunteers, in pursuance of the act passed at the present session, the sum of sixteen thousand dollars.

SEC. 5. In addition to the transfer and appropriation of funds provided for in the third section of the act making partial appropriations for the year 1867, passed January 23, 1867, there is hereby appropriated and made applicable to the payment of the same classes of military claims therein specified, the further sum of twenty-five thousand dollars.

NATIONAL ROAD.

National road.

SEC. 6. That there is hereby appropriated from the general revenue funds in the treasury, in addition to the sum of five thousand dollars heretofore appropriated, to build a double track iron bridge at the crossing of the national road over the Ohio canal at the city of Zanesville, the further sum of two thousand five hundred dollars, to be refunded to the general revenue funds from the national road funds; provided, that said bridge shall not be constructed until the board of public works shall determine the same to be necessary, and that said board may change the material and plan of the same, and shall superintend the construction thereof, and so revise the toll sheet upon said road as to provide the necessary revenue to keep the same in repair and provide the funds to repay the aforesaid several sums of money to the general revenue; and the auditor of state is authorized to make the transfer from the national road funds to reimburse said sums.

COMMON SCHOOLS.

SEC. 7. There is hereby appropriated from any moneys raised or accruing in the treasury, for the support of common schools, one million five hundred thousand dollars, or so much as may come into the treasury for that purpose, to be distributed and paid in the manner prescribed by law.

Common schools.

INTEREST AND SINKING FUND.

SEC. 8. That there is hereby appropriated from any money in the treasury by transfer or otherwise, and that may come into the treasury, belonging to the sinking fund, in addition to former appropriations for the payment of the interest on the foreign and domestic debt of this state, exclusive of the Union loan, the sum of six hundred thousand dollars.

Sinking fund

For the payment of the interest on the irreducible debt or trust funds held by the state, two hundred thousand dollars.

Interest on irreducible debt.

For the payment of the principal of the foreign and domestic debt of the state, including the Union loan, the sum of two hundred and ninety-two thousand and one hundred and thirty-six dollars, together with the further sum of three hundred and forty thousand and eight hundred and ninety-four dollars and forty cents, accrued and to accrue from the sale of the college land-scrip, and any additional sum or sums that may be in or come into the treasury, applicable thereto, and not otherwise appropriated.

Foreign and domestic debt.

For the payment of the necessary expenses of the office of the commissioners of the sinking fund, including the salary of the clerk, two thousand dollars.

Office of fund commissioners.

For the payment of the expenses of the New York agency, including the salary of the agent of the state and office rent, three thousand five hundred dollars.

New York agency.

For the payment of the necessary expenses of the commissioners in paying the interest and principal of the public debt of the state, fifteen hundred dollars.

Expense of commissioners.

SEC. 9. For the payment of the interest on the Union loan, foreign and domestic, from any money that may be in or come into the treasury of the levy to pay Union loan, in addition to former appropriations for the payment of interest on said loan, the sum of sixty-five thousand dollars.

Payment of interest on Union loan.

SEC. 10. That the auditor of state upon the written request of the board of commissioners of the sinking fund, setting forth that certain funds in the state treasury and not at the time required for the purposes for which the same are appropriated, or being in the treasury and not yet appropriated, can be advantageously applied to the payment of foreign or domestic debt of the state, matured or to mature, for the purpose of preventing the accumulation of interest thereon, may, if satisfied that the same can be safely done, temporarily transfer such moneys from the funds to which they belong to the sinking fund, and the commissioners of the sinking fund shall immediately apply the same to the payment of the principal of the public debt; and upon notice by the auditor of state that such moneys are needed for the pur-

Transfer of certain funds

poses for which the same were raised, they shall be repaid to the funds from which they were taken by the commissioners of the sinking fund. The interest saved to the state by the transfer and use of such moneys, shall be paid out of the sinking fund into the state treasury, to the credit of the general revenue fund.

Adjutant
general to
have charge
of arsenal.

SEC. 11. That the adjutant general shall have the care of the state arsenal, and the arms, accoutrements, ammunition and other property of the state within and appertaining thereto, and he is authorized to reduce the labor employed therein as in his judgment the interest of the state may require. No arms shall be taken from said arsenal for use by any military or other organization, without the written consent of the governor.

Transfer of
relief funds.

SEC. 12. The balances of moneys now in, or which may come into the state treasury by collections of delinquent taxes, and belonging to the relief funds, is hereby directed to be transferred to the general revenue funds in the state treasury, and made applicable to any appropriations made from the general revenue.

Transfer of
balance of
school libra-
ry fund.

SEC. 13. That the sum of eighty-three dollars and fifteen cents, being unexpended balance of the district school library fund, be and the same is hereby transferred to the general revenue funds in the treasury.

Claim of
Hall, Staf-
ford and Co.

SEC. 14. That there is hereby appropriated out of any money in the treasury belonging to the general revenue, to pay the claim of Hall, Stafford and Company, contractors for working convicts in the prison, for materials furnished by them under the resolution of the board of directors of the Ohio penitentiary under the date of May, A. D. 1866, for the building of a blacksmith shop, and the enlarging and improving of other shops in the prison yard, the sum of five thousand three hundred and fifty-one dollars and fifty-three cents.

SEC. 15. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBUBNEY,

President of the Senate.

April 16, 1867.

S. & C. 543.

1 Curwen,
767.

Fixing resi-
dence of sol-
diers who are
in national
asylum.

AN ACT

Supplementary to an act entitled "an act to preserve the purity of elections," passed March 30th, 1841.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the disabled soldiers who have been or shall be received into the National Asylum for disabled volunteer soldiers, and who may be citizens of the United States, shall be held and deemed to have their lawful residence in the county and township in which said asylum is for the time being or may hereafter be located; and shall be entitled to*

vote in such township and county, subject to the provisions of existing laws as to the time such residence shall have continued prior to the exercise of the elective franchise.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To punish frauds upon insurance companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall obtain, cause to be obtained, or attempt to obtain from any life or accident insurance company any sum of money, on any policy of life or accident insurance issued by any company in this state, by falsely or fraudulently representing the person or persons insured as dead, or shall cause any person or persons to be insured under an assumed name, and shall falsely represent the fictitious person or persons so insured as dead, and shall thereby obtain, cause to be obtained, or attempt to obtain from such company the amount of such insurance, and shall falsely obtain, cause to be obtained, or attempt to obtain from any such life or accident insurance company any sum of money, upon any life or accident policy of such company, by means of false and fraudulent written representation or affidavits, falsely representing that the person whose life was insured, was dead, or that the person insured against accident was injured. Every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, if the sum so obtained, attempted or caused to be obtained, shall be equal to, or exceed the sum of thirty-five dollars, shall be punished by imprisonment in the penitentiary, at hard labor, for a period not exceeding fifteen years; and if the sum so obtained, attempted or caused to be obtained, shall be less than thirty-five dollars, shall, on conviction thereof, be fined in any sum not more than five hundred dollars, or be imprisoned in the jail of the proper county, for a period not exceeding six months, or both, at the discretion of the court.

Fraudulently obtaining money from insurance company.

Penalty.

SEC. 2. This act shall take effect and be in force upon its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

3 Curwen,
1945.
S. & C. 960.

To amend section forty-eight of the act entitled "an act to establish a code of civil procedure," passed March 11th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-eight of the above recited act be amended so as to read as follows:

Where ac-
tions may be
commenced.

Section 48. An action other than one of those mentioned in the first three sections of this chapter, against a corporation created by the laws of this state, may be brought in the county in which it is situated, or had its principal office or place of business; but if such corporation be an insurance company, the action may be brought in the county where the loss or some part thereof occurred.

SEC. 2. That said section forty-eight of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force upon its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

Supplementary to the act entitled "an act prescribing the rates of taxation for state, county, township, city and other purposes," passed April 30, 1862. (Vol. 59, p. 71.)

Levy of extra
tax for fire
department.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each city of the first class having a population of less than one hundred thousand inhabitants, and over thirty thousand at the last federal census, may, and they are hereby authorized in addition to the amount of tax allowed to be levied by section five of the act to which this is supplementary, to levy a further tax not exceeding five-tenths of one mill on each dollar of the taxable valuation of the property in such city, for the purpose of establishing and maintaining therein a fire department of steam fire engines.

SEC. 2. That the act passed March 21, 1863, supplementary to the act passed April 30, 1862, prescribing the rates of taxation for state, county, township, city and other purposes, be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To authorize and require the payment of bounties to veteran volunteers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the several counties, the trustees of the several townships, and the city councils of the several cities of this state are hereby authorized and required to issue to each reenlisted veteran volunteer, who has heretofore been credited as shown by the muster and descriptive rolls upon the quota of such county, township or city, or any ward of such city, under any requisition of the president of the United States for volunteers during the late rebellion, and who has not received any local bounty upon said re-enlistment, a warrant for the sum of one hundred dollars, or a bond for a like sum bearing six per cent. interest, redeemable at the pleasure of such commissioners, trustees or city councils, one year after the date thereof, and when such re-enlisted veteran volunteer has not been credited upon the quota of any county, township or city in this state, but has been credited upon the quota of the state at large, or has been so indefinitely credited as that the credit could only pass to the state, as shown by the muster and descriptive rolls, then the auditor of state is hereby authorized and required to issue his warrant upon the state treasury to such re-enlisted veteran volunteer for the sum of one hundred dollars, which shall be paid by the treasurer of state out of any funds in the treasury not otherwise appropriated, and in all cases where such enlisted veteran volunteer has received a bounty of a less sum than one hundred dollars on such enlistment, then it shall be the duty of the state auditor, county commissioners, township trustees or city councils, as the case may be, to issue a warrant or certificate as above specified, to such volunteer, for the difference between the amount already received and one hundred dollars. To determine the number of those credited to congressional districts that properly belong to each county of the district, the adjutant general is hereby required to apportion among the several counties of each district the number so assigned in proportion to population, and notify the county commissioners of the number assigned to their several counties; the commissioners shall then proceed as required in this section; provided, that any county having previously paid the bounty to any veteran volunteer credited to the congressional district shall deduct the amount so paid from the amount to be levied on said county; provided, however, when the muster and descriptive rolls were not received by the adjutant general in time for the credit therein shown to be applied upon any quota, then the auditor of state shall issue his warrant on the state treasurer in favor of such veteran soldier, as in the case of credits to the state at large.

When county commissioners and township trustees to issue bounties, &c.

To what veterans auditor of state to pay bounties.

Veterans who have received a portion of bounty.

Adjutant general to assign number to each county.

If veteran dies, who to receive bounty.

SEC. 2. That if any such veteran volunteer shall have died before receiving the bond or warrant to which he would have been entitled under the first section of this act, it shall be given as follows: First, to his widow; if no widow, then to his children; if no children, to his mother; if no mother, to

his father; if no father, to dependent brothers and sisters, of less than fifteen years of age; but no money shall, by this act be paid to any one who has deserted the military service, or has at any time left the state to evade or escape the draft.

Who to sign
bonds.

SEC. 3. Said bonds, when issued by the county commissioners, shall be signed by the commissioners, countersigned by the county auditor; when issued by the trustees of any township, shall be signed by the trustees and countersigned by the clerk of the township; and when issued by city councils, shall be signed by the president and countersigned by the clerk of such council, and, as soon as practicable, delivered to said volunteers, or the parties aforesaid, in the order named.

Levy of tax
for paying
bonds.

SEC. 4. For the purpose of paying said bond or warrants, the county commissioners of any county, the trustees of any township, and the city council of any city, issuing the same, shall levy such tax each year after issuing the same, as may be required to pay one-third of the amount of each warrant or bond with interest; and said levy shall be certified to the auditor of the county, and shall be entered upon the duplicate and collected as other taxes, and the money raised thereby for the several counties, shall be retained in the county treasuries, and that collected for the several townships and cities, shall be assigned to such townships and cities, and paid out by said several authorities as other funds are required to be paid out on said bonds; provided, that the commissioners of any county, trustees of any township, or city council of any city, may if they deem the same expedient, levy a larger amount in any one year than would be sufficient to pay one-third of the bonds or warrants so issued.

SEC. 5. The act "to provide a bounty to veteran volunteers," passed April 13th, 1865 (O. L. vol. 62, p. 147), and the act "to amend the act last named," passed April 6, 1866, (O. L. vol. 63, p. 188), and the act to amend the last named act, passed March 7th, 1867, are hereby repealed; provided, that the repeal thereof shall not affect any rights acquired or liabilities incurred under said acts so repealed.

SEC. 6. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To provide for the erection of a new building for the education of the blind.

When trustees may proceed to erect new building

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Ohio institution for the education of the blind be and they are hereby authorized, if, in their opinion, it is impracticable to provide sat-

isfactory accommodations for the increased wants of the institution by building additions to the present building, to construct a new building on the grounds now belonging to the institution; provided, that the plan which shall be selected for such new building shall be such that when the building shall have been completed, including plumbing, heating and lighting apparatus and fixtures, with furnishing and everything necessary for complete occupancy, the cost thereof, in the aggregate, shall not exceed the sum of one hundred and seventy-five thousand dollars, and be of sufficient capacity to accommodate, at least three hundred pupils and the officers and employees of the institution. No plan shall be adopted that will not admit of further enlargement should the same become necessary hereafter.

SEC. 2. The trustees shall have power to employ a competent architect to prepare plans, specifications and estimates for the new building, all of which shall be submitted to and approved by the governor. The plan adopted shall provide for a plain, substantial building, with only sufficient architectural display to relieve it of absolute plainness and make it creditable to the state; and no plan shall be adopted that requires the expenditure of any considerable sum of money in the mere embellishment of the exterior or interior of the structure.

Plans and specifications.

SEC. 3. After the plans shall have been submitted to and approved by the governor, the trustees shall advertise for four weeks in one of the daily papers of each of the cities of Cleveland, Columbus and Cincinnati, for proposals for furnishing materials and erecting the said new building. The advertisement shall specify the time, place and terms upon which the contracts for materials and labor will be let to the lowest responsible bidder, whose bid shall be accompanied with a bond to the state of Ohio, with sureties to be approved by the trustees, conditioned for the faithful performance of the terms of the contracts so to be made with said trustees. The advertisements shall state the parts in which the contracts will be let, and shall reserve to the trustees the right to reject any one or all of the bids that may be offered. At the aforesaid letting the trustees shall be prohibited from giving out any contract to parties who shall have entered into any collusion to affect the bids, or if, in the opinion of the trustees, any one of the bids is too high or above the estimates; provided, that the trustees may re-advertise for the lettings of such contracts as are hereinbefore provided for till the same are let, or if the trustees shall be satisfied that contracts for materials or labor can be made more advantageously to the interests of the state by private bargain, they may omit such second advertisement and make contracts necessary to proceed with the work; provided, such contracts are at prices less than those bid under the original advertisement.

Advertising for proposals.

Letting of contracts.

SEC. 4. The balance of the appropriation last year for the enlargement of the present asylum building remaining unexpended, and all materials prepared for said enlargement

Use of last year's appropriation

Transfer of
appropriations.

may be used in the new structure in such a manner as the trustees may determine.

SEC. 5. So much of the act of April 6, 1866, making the general appropriations for the year 1866, and the first quarter of the year 1867, as relates to the enlargement of the capacity of the institution for the blind is hereby repealed, and the appropriation therein unexpended is hereby transferred to the funds for the erection of the new building herein provided for.

SEC. 6. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

3 Cur., 1884.
S. & C., 282.

To amend section twenty-five of "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, (S. & C., p. 282) and section forty-two of said act as amended March 7, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-five of the act passed May 1, 1852, entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," be so amended as to read as follows :

County commissioners
authorized to
sell stocks
owned by
county.

Section 25. The commissioners of any county, the city or town council of any city or town, and the trustees of any township, which county, city, town or township has heretofore subscribed to the capital stock of any railroad company, or turnpike or plank-road company, and has issued, or shall hereafter issue any bonds for the payment of such subscription, are hereby authorized to sell the said stock, or any part thereof, and on such terms as they shall deem to be for the interest of said county, city, town or township, respectively, and may apply the proceeds of such sale to the payment of the bonds of such county, city, town or township, respectively subscribed ; provided, that the commissioners of any county, the city or town council of any city or town, and the trustees of any township, which has paid in full its subscriptions to such railroad or turnpike or plank road company, shall be authorized to sell the stock of the same in such railroad company, or turnpike or plank-road company, on such terms as they shall deem to be for the interest of said county, city, town or township respectively, and place the proceeds of such sale to the credit of the general fund of such county, city, town or township.

SEC. 2. That section forty-two of said above recited act, as amended March 7, 1867, be so amended as to read as follows :

Section 42. That in case of any vacancy by death, resignation or otherwise, in any board of directors of any railroad, turnpike or plank-road company, it shall be lawful for the remaining directors to appoint a director to fill such vacancy, and the person so appointed shall be a director of such company until the next succeeding stated election, and until his successor shall be elected and qualified.

SEC. 3. That said original section twenty-five and section forty-two, as amended March 7, 1867, of the above recited act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

Vacancies in board of directors, how filled.

AN ACT

To amend section seven of an act entitled "an act to relieve the district courts, and to give greater efficiency to the judicial system of the state," passed April 12, 1858. 4 Cur., 3357. S. & C., 1157.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of the above recited act be and the same is hereby amended so as to read as follows, viz:

Section 7. That the judges of the court of common pleas in each and every common pleas district in this state, are hereby authorized, and it shall be their duty, to fix permanently the times for holding the courts of common pleas and district court in each and all the counties in their respective districts, in the manner following: The said judges or a majority of them, in each common pleas district, on or before the first day of November in each year, shall issue their written order to the clerk of the court of common pleas of each and every county in their said districts, specifying precisely the commencement of the term of the district court, and of the several terms of the court of common pleas in said county, and in all the counties in said district; provided, that not less than three terms of the common pleas court shall be appointed for any county for which three terms are now by law provided, except in counties which had less than ten thousand inhabitants according to the last federal census.

Common pleas judges to fix permanently the times of holding courts.

SEC. 2. That said original section seven be and the same is hereby repealed, and this act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

3 Cr., 2003.
S. & C., 1061.

To amend section 417 of the code of civil procedure of the state of Ohio,
(S. & C., pages 1058, 1059 and 1061.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 417 of the code of civil procedure, as amended March 10, 1860, be and the same is hereby amended so as to read as follows :

Revival of
dormant
judgment.

Section 417. That if a judgment become dormant, it may be revived in the same manner as is prescribed for reviving actions before judgment, or by petition setting forth the judgment and the amount due thereon, and asking that the same be revived against the adverse party, on which petition a summons shall issue, and be served and returned as in other cases, and when either party to such dormant judgment, his agent or attorney shall make an affidavit that the adverse party is a non-resident of the state, and that such judgment remains unsatisfied, in whole or in part, with a statement of the amount owing thereon, a notice may be published for six consecutive weeks, as provided by section seventy-two, notifying him to appear at a day therein named, not less than ten days after publication is complete, and show cause why judgment shall not be revived against him; and if sufficient cause be not shown to the contrary, the judgment shall stand revived for the amount which the court shall find to remain due and unsatisfied upon such judgment; provided, that in all cases wherein service may be made by publication, personal service of a copy of the summons may be made out of the state. The lien of the judgment for the amount due shall be revived and operate from the entering of such additional order or the filing of such petition.

Publication
of notice to
non-resident.

SEC. 2. The said original section 417 be and the same is hereby repealed, and this act shall take effect from its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

Supplementary to the act entitled "an act to amend an act to authorize the construction of sewers in cities of the second class having over thirteen thousand inhabitants at the last federal census," passed February 9, 1863; passed March 23, 1864.

Sewer dis-
tricts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class having over thirteen thousand inhabitants at the last federal census, may provide for and proceed in the manner prescribed by the act to which this is supplementary, to establish sewer districts and apportion and assess the costs and expenses of the construction of main sewers as therein provided, or may by ordinance provide for the construction

of main or trunk sewers without regard to districts; and for the purpose of defraying the expense of constructing such main or trunk sewers, the city council shall have power to borrow, from time to time, as they shall deem expedient, a sum of money sufficient to pay the estimated expense of the same upon the credit of the city; and shall have authority to issue bonds, with interest coupons attached, not exceeding seven per cent. per annum, payable semi-annually, pledging the faith and credit of the city for the payment of the principal and interest of said bonds. The said bonds shall be signed by the mayor and city clerk and sealed with the seal of the city, and shall not be disposed of at less than their par value.

Main or trunk sewers.
Council may borrow money, —and issue bonds.

SEC. 2. For the purpose of defraying the principal and interest of the bonds by this act authorized to be issued, it shall be the duty of the city council to assess upon all the taxable property of said city, and in each and every year thereafter until the principal and interest of said bonds is fully paid, an amount sufficient to pay the interest due upon said bonds, semi-annually, and may assess such an amount as upon computation shall be found necessary to provide a sinking fund for the redemption of the bonds so issued as aforesaid at their maturity; provided, that not more than ten per centum per annum shall be collected in any one year of the principal of the bonds authorized by this act to be issued. The said assessment shall be certified, placed upon the tax duplicate, collected, and its collection enforced and paid over as other city taxes, and appropriated to the purposes aforesaid.

Assessment of tax to pay bonds.

SEC. 3. In the construction of a main or trunk sewer, in or through the streets or alleys, it shall be lawful for the city council to assess and collect upon and from such portions of all the lots or lands bounding or abutting upon said streets or alleys as in the judgment of the city council may need local drainage or sewerage, and not already fully provided therewith in proportion to the number of feet front, so much of the expense of constructing said main or trunk sewer as would, in the opinion of the city council, be required to construct, in front of the portions aforesaid, an ordinary street sewer of sufficient capacity to drain or sewer the portions last named of said lots or land bounding or abutting in or through which said main or trunk sewer may be constructed; provided, that the city council may exempt from such local assessment a portion of the frontage of any such lot having a greater frontage than its average depth, and also so much of corner lots as to them may seem just and equitable.

Local assessment.

SEC. 4. No main, trunk or branch sewer shall be tapped or opened to receive any branch, private or other sewer except by the consent of the city council, and in such manner and upon such terms as they may prescribe upon the payment of such amount as they may deem just and equitable.

Tapping main sewers.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

Granting additional authority to county commissioners for infirmary purposes.

Additional
buildings
and lands.

Change of
location of
infirmary.

Levy of ad-
ditional tax.

Transfer of
funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the county commissioners of any county in this state with a population of less than one hundred thousand inhabitants, when notified by the directors of the county infirmary of said county that the necessities of said infirmary require the erection of new or additional buildings, or the purchase of additional lands, or both, in conjunction with said directors to make an examination into the condition of said infirmary; and if, upon such examination, the said commissioners and the said directors shall be satisfied that the purchase of additional lands, or the erection of additional buildings, or both, are requisite for the interest of said institution, it shall be lawful for the county commissioners of said county to purchase such additional lands or erect additional buildings, or both; provided, that if said commissioners and said directors shall deem it advisable, and for the interest of said infirmary, to change the present location of said infirmary, said commissioners are hereby authorized to sell a part or the whole of the premises now occupied by said infirmary, and to use the proceeds of sale thereof towards the purchase of other lands for the use of said infirmary, and to the erection of suitable buildings thereon.

SEC. 2. To enable the county commissioners to carry into effect the provisions of this act, they are hereby authorized and empowered (in addition to the taxes now authorized by law) to levy a tax not to exceed, in any one year, one mill on the dollar of the valuation of all the taxable property within said county.

SEC. 3. In anticipation of the receipt of said levies, the commissioners are hereby authorized, if deemed necessary, to transfer temporarily any other surplus county fund (except school funds) to the account of the infirmary fund, or borrow money at a rate of interest not to exceed seven per cent. per annum, and issue the bonds of said county for the amount of money so borrowed, and pay the same out of the fund raised under the provisions of this act for that purpose.

SEC. 4. This act to be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

Supplementary to an act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852. (S. & C., 311.)

3 Curwen,
1818.
S. & C., 311.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall hereafter be unlawful to lay the track of any railroad, the cars of which are to be drawn or propelled by steam power, in any city until after the consent has been obtained of the same proportion of the owners of real estate bounding on said street as is required by law in case of street railroads operated by horse power.

When unlaw-
ful to lay
railroad
track
through
cities.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate

Passed April 16, 1867.

AN ACT

To provide for the organization of military institutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any number of persons shall associate themselves together for establishing an institution for military and polytechnical education, they may file with the auditor of state a copy of the articles of their association, specifying the name by which the institution shall be known, its location, the value of real estate, of apparatus and cabinets, and of arms or accoutrements, owned or controlled by the association, for the purposes of military and polytechnical education; and the auditor of state, on satisfactory evidence that such values are not less than fifteen thousand dollars in real estate, five thousand dollars in apparatus, and five thousand dollars in arms and accoutrements, shall certify that fact to the governor of the state, who shall thereupon issue his authority to such association to confer the usual degrees and honors now conferred by literary institutions, and such others having reference to the course of study and the accomplishment of the student as may be deemed proper, and generally to enjoy and exercise all the powers and privileges of colleges and universities in this state.

How associa-
tion organ-
ized

SEC. 2. The superintendent of the institution, the commandant of cadets, and the professors shall constitute the academic board, and shall have power to make and enforce rules and regulations for the government of cadets; provided, however, that such rules and regulations shall have been first submitted to the governor of the state and been by him approved.

Academic
board.

SEC. 3. The board of visitors shall consist of the governor of the state, who shall be ex-officio, a member and president of the board, of two other persons to be named by the governor, and such other persons as the superintendent of the institution may appoint.

Board of
visitors.

Annual meeting of board of visitors.

SEC. 4. The board of visitors shall meet annually at the institution, on the first day of the annual commencement exercises, and examine into the condition of the classes, quarters, commons, discipline, drill, the records of standing in study, and conduct of the cadets, and shall report on the same to the legislature at its next annual session; but the board of visitors, or any member or members thereof, may visit and inspect the institution at any time.

SEC. 5. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To amend an act to transfer and appropriate certain funds therein named, passed March 16, 1867. (Vol. 64 O. L., p. 59.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act be amended so as to read as follows:

Transfer of accumulated unexpended military fund to township general fund

Section 1. That in any township in this state, in the treasury of which township there shall have been an accumulation of any funds during or since the war, under any of the laws enacted during or on account of the war, for the payment of bounties to volunteers, for the relief of the families of soldiers or marines in the service of the state or of the United States, or by the voluntary contributions of individuals for either of said purposes, and in which treasuries there shall be remaining an unexpended balance of such funds, not needed for the purpose for which raised, the trustees of such township are hereby authorized to transfer any such unexpended balance of any such funds to the township fund of such township, and appropriate the same to the current expenses of such township, or to school, road or any other purpose for which township trustees are authorized by law to levy and use money in their respective townships; provided, that where there is in such township, any city or incorporated village, (that) the proportion of such funds raised by taxation or otherwise, within the corporate limits of such city or village, shall be carefully estimated, and shall be, by the trustees of such township, transferred to the funds of such city or village, and may be, by such city or village, used for the purposes herein provided.

SEC. 2. That said original section one of said act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and to repeal a certain act therein named. (Laws of 1866, page 124.)

3 Curran
1835.
S. & C. 1493.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That municipal authorities of all incorporated villages shall have power to require each able bodied male person and each male person able to procure the labor herein required to be done, between the ages of twenty-one years and fifty-five years, resident within such village, and within any contiguous territory that shall be attached thereto for the purposes of this act, as hereinafter provided, to perform in each and every year two days labor upon the streets and alleys of such corporation, and upon the public roads or highways, or parts thereof that lie within the contiguous territory so to be attached as aforesaid, and which shall be in lieu of the two days labor required under the present laws regulating roads and highways; and upon refusal to perform such work under the proper street commissioner, or other officer appointed by the said municipal authorities for such purpose, the delinquent shall be liable to the same fines, penalties and forfeitures as are provided by law against persons refusing to perform the two days labor required in said law, and the same shall be recovered in the name of such incorporated village, before the mayor of such village. The said municipal authorities shall also have the exclusive right to form road districts within the corporate limits of such villages and contiguous territory, so to be attached thereto as aforesaid, and to appoint suitable street commissioners, or other proper officer, for any length of time not exceeding two years, for such districts or for the whole limits of such village, and the contiguous territory so to be attached thereto as aforesaid, who shall be governed in the performance of their duties by the by-laws and ordinances of said corporation; provided, that no tax assessed upon property within the territory to be attached to any such corporation as aforesaid, shall be applied otherwise than within the territory in which the same is assessed; and all taxes charged for road purposes as aforesaid, on the property within the limits of such corporation, or the territory so to be attached thereto as aforesaid, and collected by the county treasurer, shall be paid over to the corporation treasurer, to be specially appropriated by the municipal authorities to street and road purposes or other public improvements within the corporate limits thereof; provided, further, that the trustees of the township in which said territory is located and the municipal authorities of the corporation may mutually agree upon a different distribution or division of said funds.

Who may be
compelled to
work on
streets and
alleys.

Penalty for
refusing to
work.

Council may
form districts
and appoint
commission-
ers.

How taxes
applied.

SEC. 2. It shall be the duty of municipal authorities of said corporations, and the trustees of townships respectively, in which any such corporation shall be situated, as soon after the passage of this act as practicable, and when from the sparseness of population the public interest shall require it,

Contiguous
territory may
be attached.

Prosecutions
for the collec-
tion of fines,
forfeitures,
penalties, &c

to attach any territory lying contiguous to such corporation thereto, for the purposes of this act.

SEC. 3. The several street commissioners, or other proper officers appointed for that purpose, within their respective districts, shall collect by suit, as provided in the first section of this act, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof be otherwise provided for in this act, and they are hereby authorized and required before their annual settlement with the proper authorities of such incorporated village, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom, in the opinion of such street commissioner, or other proper officer, such fine, penalty or forfeiture can be collected, and said judgment, if not paid, shall remain with the costs thereon and be in force against the defendant as other judgments for fines in favor of such incorporated village; provided, however, that all persons who are, or may be exempt from performing labor on the public highways by any law of this state, shall not be subject to the provisions of this section.

SEC. 4. That "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed May 3d, 1852; passed April 5th, 1866, is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 16, 1867.

AN ACT

To arrest the social evil in cities of the first class having over one hundred thousand inhabitants.

Records of
inmates of
brothels, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the several boards of health in cities of the first class, having a population of over one hundred thousand inhabitants, are authorized and directed to enter brothels and houses of assignation, and make enumerations, as often as they may deem necessary, of the female inmates therein, and make a record of same in a book to be kept in the offices of said boards of health, to be open to the inspection of the members of the board, the police and others.

Females under eighteen years to be sent to their homes or to house of correction.

SEC. 2. That when any female under the age of eighteen is found in such brothel or house of assignation, it shall be the duty of said board of health to return such female to her home, if she have any, and if such female has no such home, then she shall be consigned to the house of refuge of such city.

SEC. 3. No female shall be consigned to said house of refuge against her will, but in case she declines the care and protection tendered her, it shall be the duty to turn said female over to the courts to be tried as a vagrant. When treated as vagrants.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To authorize the prosecuting attorney to take exceptions in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the prosecuting attorney may take exception to any opinion of the court, during the prosecution of any criminal cause in the court of common pleas, and the bill containing the exceptions, upon being presented, shall, if it be conformable to the truth, be signed and sealed by the court, which bill shall be made a part of the record, and be, in all respect, governed by the rules established as to bills of exception in civil cases, except as herein provided.

Exceptions to opinion of court.

SEC. 2. The prosecuting attorney may present such bill of exceptions to the supreme court and apply for permission to file it with the clerk for the decision of the court upon the points presented therein, but prior thereto he shall give notice to the judge who presided at the trial in which the bill was taken, of his purpose to make such application, and if the supreme court shall allow such bill to be filed, such judge shall appoint some competent attorney in the county in which the trial was had, to argue the case against the prosecuting attorney, and such attorney so appointed shall receive for his services a fee not exceeding one hundred dollars, to be paid upon the order of the court out of the treasury of the county in which the bill was taken.

Filing bill with clerk of supreme court for decision.

SEC. 3. If the supreme court shall be of the opinion that the questions presented in the bill should be decided upon, they shall allow the bill of exceptions to be filed and render a decision thereon.

Decision of court.

SEC. 4. The judgment of the court in which the bill was taken shall not be reversed, nor in any manner affected, but the decision of the supreme court shall determine the law to govern in any similar case which may be pending at the time the decision is rendered or which may afterward arise in this state.

Decision of supreme court to determine similar cases.

SEC. 5. This act shall take effect upon its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

3 Cur., 1841.
S. & C., 1496.

To amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nineteen of "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, be so amended as to read as follows:

Certain powers granted to municipal corporations.

Section 19. All municipal corporations organized or to be organized under this act, except incorporated villages for special purposes, shall have the general powers and privileges, and be subject to the rules and restrictions granted and prescribed in the twenty succeeding sections of this act; provided, that incorporated villages shall not have the power to prohibit the interment of the dead, in any cemetery in use at the time of the incorporation of such village, except in such portions thereof as may not now be used, in fact, for such interment.

SEC. 2. That the original section nineteen of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To amend the code of civil procedure in reference to the replevin of property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and seventy-nine of the code of civil procedure, be so amended as to read as follows:

Plaintiff to give bond.

3 Cur., 1963.
S. & C., 999.

Section 179. The sheriff or other officer shall not deliver to the plaintiff, his agent or attorney, the property so taken, until there has been executed by one or more sufficient sureties of the plaintiff, a written undertaking to the defendant, in at least double the value of the property taken, to the effect that the plaintiff shall duly prosecute the action, and shall return the property to the defendant if return thereof be adjudged, and pay all costs and damages which may be awarded against him. The undertaking shall be returned with the order.

SEC. 2. That section one hundred and eighty-three be so amended as to read as follows:

Proceedings in the action.

Section 183. If the property has been delivered to the plaintiff, and judgment be rendered against him on demurrer, or if he otherwise fail to prosecute his action to final judg-

ment, the court shall, on application of the defendant, or his attorney, impanel a jury to inquire into the right of property, and right of possession of the defendant to the property taken. If the jury shall be satisfied that said property was the property of the defendant at the commencement of the action, or if they shall find that the defendant was entitled to the possession only, of the same, at such time, then, and in either case, they also shall find the value of the interest of the defendant in the property, and also the damages he may have sustained by its detention, and the court shall thereupon render judgment in favor of the defendant :

1st. For the return of the property to the defendant, if the defendant so demand, by a day to be fixed by the court.

2d. For the value of the defendant's interest therein, and

3d. For damages for the detention and for costs of suit. The return of the property by the plaintiff to the defendant, if accepted by him, shall be held to be a full satisfaction of said judgment for the value of the defendant's interest therein, and no execution, except for damages for the detention and for costs of suit, shall be issued upon the same, except in case the property is not returned.

SEC. 3. That section one hundred and eighty-four be so amended as to read as follows :

Section 184. In all cases where the property has been delivered to the plaintiff, when the jury shall find upon issue joined for the defendant, they also shall find whether the defendant had the right of property, or the right of possession only, at the commencement of the suit, and if they find either in his favor, they shall also find the value of the interest of the defendant in the property, and also the damages he may have sustained by its detention, and the court thereupon shall render judgment in favor of the defendant :

1st. For the return of the property to the defendant, if the defendant so demand, by a day to be fixed by the court.

2d. For the value of the defendant's interest in the property.

3d. For the damages for the detention ; also, for the costs of the suit. The return of the property by the plaintiff to the defendant, if accepted by him, shall be held to be a full satisfaction of the said judgment for the value of the defendant's interest therein, and no execution, except for damages for the detention and for costs of suit, shall be issued upon the same, except in case the property is not returned.

SEC. 4. That said original sections one hundred and seventy-nine, one hundred and eighty-three and one hundred and eighty-four be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

Same.

3 Cur., 1964.
S. & C., 999.

3 Cur., 1964.
S. & C., 999.

AN ACT

To amend an act entitled "an act further to provide for the government of the Longview asylum, and amendatory and supplementary to an act entitled 'an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein,'" passed February 27, 1861. .

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1, 5, 6, 14, 17, 18 and 19 of the above recited act be amended so as to read as follows :

Name of
asylum.

Board of
directors ;
—their
appointment.

Section 1. That the asylum for insane in the county of Hamilton, shall be called "Longview asylum," and shall be governed and controlled by a board of directors consisting of six persons, who shall be appointed as follows, viz: One by the city council of the city of Cincinnati, one by the court of common pleas of said county, two by the county commissioners of said county, and two by the governor of the state, by and with the consent of the senate, and each shall hold his office for the term of three years, except as is herein provided, and until his successor is appointed and qualified. Nothing herein shall be construed to affect the term of office of the present directors appointed under existing laws, but they shall hold their places for the full length of time for which they were appointed, and their successors shall be appointed in the same manner and by the same authority that they were; and they and their successors shall constitute part of the board of six directors above named. Of the three additional directors, being the first appointees under this act, one shall be appointed by the governor in manner and form as above named, who shall hold his office for the term of three years; one shall be appointed by the court of common pleas of said county, and shall hold his office for a term of two years; and one shall be appointed by the said city council and shall hold his office for a term of three years; and on the expiration of each term of service the authority making the appointment shall appoint a successor for a term of three years. All of said directors shall be citizens of Hamilton county, and have the qualifications of electors therein. They shall possess such powers as are granted to the trustees of the state lunatic asylums unless denied them by this act, and they shall be subject to the same regulations and restrictions as are provided for the government of the state lunatic asylums so far as the same may be applicable; there shall be a superintendent, assistant physician and matron, and such other assistance [assistants] as is now or may hereafter be provided by law.

Directors
must be citi-
zens of Ham-
ilton county.

Meeting and
organization
of board.

Section 5. Immediately after the appointment of the directors provided for above, it shall be the duty of the director whose term of office first expires, to call a meeting of the board at such place as he may specify. The board shall then organize by electing one of their number president, and another of their number secretary, who shall hold their respective positions for the term of one year. No less than four of their number shall be a quorum for the transacting of business. They shall hold meetings quarterly, and as

much oftener as they may by resolution or by law direct. At each regular meeting they shall appoint, for each month intervening between that and the next regular meeting, two of their number to act as executive committee for the month specified, but no member shall be on the executive committee longer than for two consecutive months. It shall be the duty of said monthly executive committee to visit the asylum weekly, and they shall examine the accounts and vouchers of the steward, monthly or weekly, and certify their approval or otherwise on the same page with his monthly or weekly balance. It shall be the duty of the secretary of the board to make a record of the proceedings of all meetings in a book kept for that purpose, and when it shall become necessary to have a new book, the old one shall be carefully preserved among the valuable papers of the asylum.

Executive committee.

Section 6. At their annual meeting, which shall be held at the asylum on the first Tuesday of November in each and every year, the directors shall make a report to the governor of the condition and wants of the asylum, which shall be accompanied by a full and accurate report of the superintendent and a detailed account of all the money received and paid out by the steward, and at the same time they shall transmit a copy of their report and the accompanying documents to the commissioners of Hamilton county. The regular meetings of the board shall be held at the asylum or at some other convenient place fixed upon by resolution or by law. Special meetings may be called by the president or any two members of the board, by giving written notices to the remaining members thereof, at least three days previous to the time appointed for such meeting, which notice shall state the time and place of such meeting and the object for which it is called.

Annual report of directors.

Place and time of meeting.

Section 14. The steward, under the direction of the superintendent, or the majority of the directors, and not otherwise, shall make all purchases for the asylum where they can be made on the best terms, keep the accounts, make engagements with, pay and discharge those employed in and about the asylum, collect all moneys due the asylum, have personal superintendence of the farm, garden and grounds, and perform such other duties as may be assigned him. It shall further be the duty of the steward to report quarterly to the commissioners the number of pay patients in the asylum, the amount collected from each and the amount still due; and he shall pay over monthly or oftener to the county treasurer to be placed to the credit of the asylum fund, all moneys collected for the asylum from any source whatever, except that drawn from the county treasury on the warrant of the auditor.

Steward, his duties, etc.

Steward to keep accurate accounts of receipts and disbursements.

Section 17. The county treasurer shall, from time to time, advance to the steward upon his own order approved or endorsed by the superintendent and two of the directors, on a warrant of the county auditor, a sum not exceeding two thousand dollars, to meet current expenses. The steward shall keep an accurate account, in detail in a proper book,

Who may be
admitted to
asylum as
patients.

always open to the inspection of the superintendent and trustees, of all expenses of the sums paid out of the sums so advanced by the treasurer; and shall settle the same with the superintendent and trustees monthly, or oftener if required, and shall account for the whole sum of two thousand dollars before another order is approved. He shall also keep in the same or a like book, an accurate account of all moneys received from pay patients and from other sources, showing the amount paid by and due from each, and the amount charged each per week, month or year, as the case may be. The asylum shall be open to the admission of all insane persons over the age of seven years, who have resided in the county of Hamilton for one year immediately preceding the application for admission; provided, that nothing in this act shall be so construed as to prevent the county commissioners from placing in this asylum all insane persons for whom by law the county is required to provide, and the expense of maintaining such insane persons so sent to this asylum by the county commissioners, shall be paid out of the Longview asylum fund, as in other cases.

SEC. 2. That said sections 1, 5, 14, 17, 18 and 19, and sections 7 and 25 of the same act, and section 2 of an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

3 Curwen,
1835.
S. & C. 1493

Supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Erection of
certain
buildings
may be
prohibited.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the first class, having a population less than one hundred thousand inhabitants at the last federal census, shall have power to make regulations for the purpose of preventing loss and accidents by fire; and to prohibit by ordinance, within such limits as the city council may deem proper, the erection of any building unless the outer walls thereof be constructed and made of iron, brick and mortar, or stone and mortar.

SEC. 2. That all statutes or parts of statutes inconsistent with this act be and the same are hereby repealed.

SEC 3. This act shall take effect from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ANDREW G. McBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To authorize the town councils of certain incorporated villages to improve certain highways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of any incorporated village within this state, having a population less than two thousand and not less than one thousand inhabitants, are hereby authorized and empowered, upon the petition of persons representing a majority of the taxable property within such incorporated village, to expend any sum not exceeding ten thousand six hundred dollars in the improvement of any public highway or highways leading into any such town.

Improve-
ment of high
ways leading
into towns.

SEC. 2. That the town council of any such town are hereby authorized to raise said amount by loan and to issue bonds therefor, payable within five years from date with interest.

SEC. 3. That the council shall provide by ordinance for the proper expenditure of said sum, and no part thereof shall be expended for the right of way.

Expenditure
of appropriation
and
right of way.
Annual levy.

SEC. 4. That there shall be levied upon the taxable property, within any such incorporated village, annually, a sufficient amount to discharge one-fifth of said indebtedness until the same is fully discharged.

SEC. 5. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. McBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To amend the first section of an act entitled an act prescribing the fees of county auditors, passed May 1, 1862, as amended April 12, 1865. (See Laws of Ohio, Vol. 62, page 125.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the several county auditors in this state shall hereafter receive compensation per annum, for their services, as follows: In counties having, by the last preced-

Compensa-
tion of coun-
ty auditors.

Proviso as to
clerk hire.

Proviso as to
additional
compensa-
tion.

ing enumeration of male inhabitants above the age of twenty-one years, taken under the authorities of this state, no more than two thousand four hundred such inhabitants, the county auditor shall receive eight hundred dollars per year; and in counties having more than two thousand four hundred such inhabitants, the auditor shall receive the like sums respectively, and in addition thereto, shall receive for each year, the sum of forty dollars for each additional two hundred such inhabitants above twenty-four hundred in such county; such compensation to be paid out of the county treasury on the order of the county commissioners; provided, that the county commissioners shall have power to make such additional allowance for compensation not exceeding twenty per cent. on the amount allowed by this act out of the county treasury as they may deem necessary and proper for clerk hire, in those years in which real estate appraisements are made, whenever in their opinion the compensation allowed by this act is not sufficient to pay for the same; and the compensation to be allowed according to the provisions of this act to county auditors, after the taking of any future enumeration of male inhabitants over twenty-one years of age, under the authorities of this state, shall be as herein established in every county according to its population as herein classified, as ascertained from time to time by such enumeration; provided, that the county commissioners shall have power to make such additional allowance for compensation out of the county treasury as they may deem necessary and proper in counties having a population of such male inhabitants over thirteen thousand and less than thirty thousand, not exceeding one thousand dollars in each year, and in counties having a population of such male inhabitants less than thirteen thousand, the county commissioners may allow to the auditor of such county an additional compensation, to be paid out of the county treasury of such county, not exceeding five hundred dollars in each year.

SEC. 2. That the original section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 17, 1867.

AN ACT

For the better regulation of street railroads, and for other purposes.

Regulating
the laying of
street rail-
road tracks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That before any street railroad is put down in a narrow street, or a street of less width than sixty-seven

(67) feet, with a roadway of forty feet or under, in all cities of the first class and cities of the second class, having a population of more than twelve thousand at the last federal census, the crown of the street shall be made a nearly flat uniform curve from curb to curb, without ditch gutters, and so as to give wheeled vehicles the full use of the roadway up to the face of the curb, work to be done under the supervision of the board of city improvements after the plan of streets now adopted in the cities of New York and Philadelphia.

SEC. 2. That when grants of railroads are secured in accordance with the law [passed] March 27th, A. D. 1866, it shall be incumbent on the railroad company to pave the track between the rails with the Nicholson wooden pavement.

Paving
tracks be-
tween the
rails.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 17, 1867.

AN ACT

To amend an act entitled "an act to enable justices of the peace to discharge the duties of police judges in certain cases," passed Feb. 21, 1862. (O. L. vol. 59, p. 12.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Section 1. That in the absence, sickness, inability or other disability of the police judge of the police court in any city in this state, it shall be lawful for the mayor of such city to select some reputable member of the bar residing within the limits of said city to hold and preside in said police court, and for the time being such person so appointed, shall have the same jurisdiction and powers which now are or hereafter may be conferred upon judges of police courts, and such person so appointed as aforesaid, shall be styled "acting police judge," in which style he shall sign all processes and records during the time for which he should serve as such acting police judge, and shall do all other official acts which police judges in this state may do.

Acting po-
lice judge.

SEC. 2. Before any such person shall enter upon the duties of such acting police judge, he shall take an oath to support the constitution of the United States, the constitution and laws of the state of Ohio, the charter and ordinances of the city wherein such appointment is made, and an oath of office for the time during which such appointment shall continue.

Oath.

SEC. 3. That section one of the act to which this act is amendatory be and the same is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 17, 1867.

AN ACT

O. L. 64.
pp. 94, 95.

To amend section twenty-one of the act entitled "an act to regulate and govern the Ohio penitentiary," passed April 1, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-one of the act entitled "an act to regulate and govern the Ohio penitentiary," passed April 1st, 1867, be so amended as to read as follows:

Hiring or letting of convicts.

Section 21. In order to provide for hard labor by each convict according to his sentence, the directors are hereby authorized and required to let and hire the labor of the convicts upon such branches of business, and for the manufacture of such articles as, in their judgment, will best accomplish that end and subserve the interests of the state, which letting and hiring shall be as follows:

Manner of letting.

1. The letting shall be advertised by the warden in two of the newspapers published in Columbus, and one in each of the cities of Cleveland and Cincinnati, once a week for at least four weeks, and by such further notice as the board may direct. The advertisement shall specify the number of men to be let, the length of time, which shall not exceed five years, and the last day on which bids will be received.

2. The board may, in their discretion, designate what articles or class of articles shall be manufactured.

3. Each bidder may separately state in his bid what he will give for the labor bid for, with and without the exclusive right to manufacture the articles specified.

4. Each bid shall specify each article proposed to be manufactured, and the number of square feet of shop room, which will be required.

5. Each bid shall be unconditional.

6. The price per day for each convict shall be specified, and if a different price per day is stated for different periods, each period and its price must be so stated, that one may be accepted and the others rejected; provided, that no bid shall be received, nor any contract made, nor shall the labor of said convicts, excepting always the labor of females, cripples, minors, and those disabled by disease or old age, be temporarily hired at a less rate than seventy cents per day.

7. If the person bidding desires to manufacture different classes of articles, the labor to be employed on each class must be bid for separately.

8. Each bid shall be accompanied by a bond, with sureties to the satisfaction of the board, that the bidder will comply with the terms of his bid, if it is accepted, and sealed up and addressed to the warden. Same.

9. The bids shall be opened by the board at their next meeting, whether monthly or quarterly, after the last day specified for receiving bids, and the labor shall be awarded to the highest bidder or bidders, subject to the following regulations:

a. As between bids which are for substantially the same price, the board may, in its discretion, give a preference to the one which, in their judgment, will best promote the interests of the state. Manner of making awards.

b. As between bids by the same party, one with and the other without the exclusive right to manufacture, the board may accept either.

c. The board may reject all the bids, if they are for less than a fair and reasonable price for the labor bid for, and the board shall not be required, in any case, to apportion the labor advertised among the bidders, or any number of them.

d. Any bid may be rejected, if it is against the interest of the state or the welfare of the convicts, that the articles specified should be manufactured in the prison.

10. When a bid is accepted and labor is awarded to the bidder, the directors, on the part of the state, and the bidder, shall enter into a contract in pursuance of the bid; and such bidder shall also procure a bond, to be executed to the satisfaction of the board, conditioned for the faithful performance of the contract on his part, a blank form of which contract and bond shall be deposited and remain with the clerk for inspection during the time of the advertisement.

11. The board may give to a bidder, after he shall have entered into a contract, a reasonable time to procure machinery and make preparations for manufacturing, not exceeding sixty days from the acceptance of the bid.

12. If a contract is made for the exclusive right of manufacturing the articles therein named, all contracts made subsequently by the same party, and within the same period, and for the manufacture of the same articles, or any of them, shall terminate at the same time with the first contract.

13. If any contractor shall not manufacture one or more articles specified in his contract, the board may give him three months' notice to manufacture them, and on failure by the contractor to do so within that period, the right to manufacture them shall cease and determine.

SEC. 2. That section twenty-one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 17, 1867.

AN ACT

For the prevention of nuisances on buildings, fences, walls and trees.

Posting bills,
&c., on
buildings
and fences
without con-
sent of own-
er.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful to paint, print, paste, stencil or otherwise mark upon, or in any manner place upon or affix to any building, fence, wall or tree, without the consent of the owner thereof, any word, letter, character, figure, sentence or device, or any hand-bill or notice, stating, referring to or advertising, or intended to state, refer to or advertise any profession, business, exhibition, amusement, or place of amusement or other thing, or the sale or manufacture of any property or article, or cause or procure the same to be done; provided, the provisions of this section shall not apply to the posting of any hand-bill or notice of any public sale of property by sheriff, administrator, executor, licensed auctioneer, or any legal notice relating to the interest of the citizens of the county wherein such notice shall be posted.

Penalty.

SEC. 2. Any person or persons violating the provisions of the first section of this act may, upon conviction thereof before any justice of the peace or other court having jurisdiction of such offense, be fined in any sum not less than ten nor more than fifty dollars.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 17, 1867.

AN ACT

Supplementary and amendatory to the act in relation to juries.

Selection of
necessary
number of
jurors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas in each county shall, at the first term of such court after the passage and taking effect of this act, cause an order to be entered on the minutes of said court determining the number of persons necessary to be selected in each county annually to serve as grand and petit jurors in the district court, superior court, and court of common pleas of such county; such order, if not made at the term herein prescribed, may be made at any other time, and may be amended from time to time at the discretion of the court. Until such order be made, the number of persons to be selected for jurors in each county, shall be as heretofore determined.

Two petit
juries, or
new jury.

SEC. 2. That when, by reason of any pressure of business, or for any other reason, the court shall deem it necessary to have two petit juries, or when, by reason of sickness, absence, or otherwise, it becomes necessary to have a new jury, or a mem-

ber to fill up the regular panel for the term, then the names of such jury or jurors shall be drawn from the box by the clerk as in other cases, and a venire issued to summon them to appear as may be directed by the court: Provided this shall not be construed to prevent a special venire being issued or talesmen being called, as provided for in section one of an act entitled "an act to amend the act relating to juries," passed March 22, 1849.

SEC. 3. That any person who shall serve as a juror, grand or petit, or both, in the courts of this state, for three weeks in any year, shall be exempt from further service as a juror during the balance of such year; but nothing herein contained shall entitle any juror to be discharged from the grand jury during its session, or to be discharged from a petit jury during the trial of a cause.

Who exempt.

SEC. 4. Challenge to the array for irregularity in selecting, drawing, summoning or returning any grand or petit jury, or for the misnomer of a juror or jurors, shall only be made before such jury is empaneled and sworn. And no indictment shall be quashed or set aside for any such irregularity or misnomer, if the jurors, finding the same, possess in fact the requisite qualification to act as jurors.

Irregularity in selecting, &c., not to affect indictment.

SEC. 5. That sections one and eighteen of an act entitled "an act relating to juries," passed February 9, 1831, also section three of an act entitled "an act relating to juries [jurors]," passed March 13 [30], 1859, also section eight (8) of "an act to regulate the fees of certain officers and witnesses in Hamilton county, and for other purposes," passed March 10th, 1843, be and the same are hereby repealed. This act shall take effect on its passage.

3 Curwen, 2359.
S. & C. 751, 756.
4 Curwen, 3234.
S. & C. 760.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 17, 1867.

AN ACT

To amend sections 49, 53 and 54 of an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852. (S. & C. 271.)

3 Curwen, 1891-2.
S. & C. 299, 300.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 49, 53 and 54 of the above recited act be so amended as to read as follows:

Section 49. That whenever any number of persons, as required by the first section of this act, associate to form gas-light and water companies for the purpose of supplying gas for lighting the streets and public and private buildings of any city, town, village or township of this state, or for the purpose of supplying the inhabitants of any city, town, village or township with water, they shall, under their hands and seals, make a certificate which shall specify as follows:

**Certificate of
incorpora-
tion.**

The name of said company and by which it shall be known, the object for which such company shall be formed, the amount of the capital stock of such company, the number of shares of which the said stock shall consist, and the names of the town, city, village or township and county in which the operations of said company are to be carried on. Such certificate shall be acknowledged, certified and forwarded to the secretary of state, recorded and copied in the same manner as is provided in the second section of this act; and when so incorporated, they are hereby authorized to carry on the operations named in such certificate of incorporation, and by the name and style provided in such certificate, shall be deemed a body corporate with succession, and they and their associates to have the same general corporate powers as is provided in the third section of this act, and shall be subject to all the restrictions hereafter provided.

**Powers of
company.**

Section 53. Any corporations formed under this act shall have full powers, if a gas company, to manufacture and sell, and to furnish such quantities of gas or water as may be required in the city, town, village or township where located, for public and private buildings, or for other purposes; and such corporations shall have power to lay conductors for conducting gas or water through the streets, lands, alleys and squares in such city, town, village or township with the consent of the municipal authorities of said city, town or village, or with the consent of the trustees of the township, and under such reasonable regulations as they may prescribe.

**Contract for
lighting
streets, &c.**

Section 54. The municipal authorities of any city, town or village, or the trustees of any township in which any gas-light or water company shall be organized under this act, are hereby authorized to contract with any such corporation for the lighting or supplying with water the streets, lands, lanes, squares and public places in any such city, town, village or township: Provided, that no such corporation shall be formed in any city or incorporated village until after the question of authorizing such incorporation shall have been submitted to the qualified voters of such city or villages, and be authorized by ordinance.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 17, 1867.

AN ACT

To amend "an act to amend an act to authorize the making of real estate indexes, and to further prescribe the duties of county commissioners and recorders in certain counties," passed March 20, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section one of an act to authorize the*

making of real estate indexes, and to further prescribe the duties of county commissioners and county recorders in certain cases, passed February 14th, 1859, as amended March 20th, 1862, be so amended as to read as follows (Vol. 59, page 29; 1862):

Section 1. That it shall be lawful for the county commissioners of any county within this state to employ at a reasonable compensation, to be fixed by themselves and to be paid out of the county treasury upon the order of said commissioners, one or more competent persons, who shall, under the direction of the recorder, make out and complete general indexes from the records of all the real estate situate in such county, in addition to the alphabetical indexes now provided for by law for placing under the heads of the original surveyed sections, or parts of a section, squares, subdivisions, or lots, on the left page of such index book. 1st. The name of the grantor or grantors. 2d. Next to the right, the name of the grantee or grantees. 3d. Then the number and page of the record where the instrument is found recorded. 4th. The character of the instrument, to be followed by a pertinent description of the property conveyed by such deed, lease, or assignment of lease. And on the opposite page, in like manner, all the mortgages, liens, or other incumbrances, affecting said real estate.

County commissioners to appoint competent persons to make index.

Arrangement of index.

SEC. 2. That section five be so amended as to read as follows:

Section 5. That if indexes shall have been made in any such county in this state, in substantial compliance with the provisions of this act, by any person or persons, the county commissioners may purchase the same at a price by them deemed reasonable, and pay for the same out of the county treasury, and in such case the same shall be kept up by the recorder in the order in which they shall have been commenced.

Commissioners may purchase indexes which have been already made.

SEC. 3. That the above recited act be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 17, 1867.

AN ACT

In relation to state charitable and correctional institutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor shall appoint five persons, who shall constitute the board of state charities; two of the persons so appointed shall hold office for one year, two of

Appointment of board.

them for two years, and one for three years, unless sooner removed. Appointments to fill vacancies caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms, in the same manner as original appointments, and all appointments to fill vacancies caused by the expiration of terms shall be made in the same manner.

Time and
place of
meetings,
&c.

SEC. 2. The board of state charities shall be provided with suitable rooms in the state house. They shall hold meetings on the first Wednesday of every month. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate the whole system of the public charitable and correctional institutions of the state, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration. They shall receive no compensation for their services except their actual traveling expenses, which shall be allowed and paid.

Annual re-
port to legis-
lature.

SEC. 3. The board of state charities shall annually prepare and print for the use of the legislature, a full and complete report of all their doings during the year preceding, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary and general agent, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all the state institutions under their control, with such suggestions as they may deem necessary and pertinent.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect upon its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 17, 1867.

AN ACT

3 Curwen,
2076-7.

To amend the act relating to the civil jurisdiction of justices of the peace in the replevin of property. (S. & C. page 794, sections 143, 145, 147, 148)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and forty-three be so amended as to read as follows:

The under-
taking.

Section 143. The constable shall not deliver to the plaintiff, his agent or attorney, the property so taken until there has been executed, by one or more sufficient sureties of the plaintiff, a written undertaking to the defendant in at least double the value of the property taken, but in no case less than fifty dollars, to the effect that the plaintiff shall duly

prosecute the action, and shall return the property to the defendant if return thereof be adjudged, and pay all costs and damages which may be adjudged against him. The undertaking shall be returned with the order.

SEC. 2. That section one hundred and forty-seven be so amended as to read as follows:

Section 147. If the property have been delivered to the plaintiff and judgment be rendered against him, or if he fail to prosecute his action to final judgment, the justice shall, on application of the defendant, impanel a jury to inquire into the right of property and right of possession of the defendant to the property taken. If the jury shall be satisfied that said property was the property of the defendant at the commencement of the action, or if they shall find that the defendant was entitled to the possession only of the same at such time, then, and in either case, they shall also find the value of the interest of defendant in the property, and also the damages he may have sustained by the wrongful replevin, and the justice shall thereupon render judgment in favor of the defendant—

Trial of right of property; and findings of the jury, and costs.

1st. For the return of the property to the defendant, by a day to be fixed by the court, when the property is found to belong to, and its return is demanded by, the defendant.

2d. For the value of defendant's interest therein, and

3d. For damages and for costs of suit. The return of the property by the plaintiff to the defendant, if accepted by him, shall be held to be a full satisfaction of said judgment for the value of the defendant's interest therein, and no execution, except for the damages for the detention and for costs of suit, shall be issued upon the same, except in case the property is not returned.

SEC. 3. That section one hundred and forty-eight be so amended as to read as follows:

Section 148. In all cases where the property has been delivered to the plaintiff, when the jury shall find upon issue joined for defendant, they shall also find whether the defendant had the right of property or the right of possession only at the commencement of the suit, and if they find either in his favor, they shall also find the value of the interest of the defendant in the property, and also the damages he may have sustained by the wrongful replevin thereof, and the justice shall thereupon render judgment in favor of the defendant:

Same.

1st. For the return of the property to the defendant, by a day to be fixed by the court, when the property is found to belong to, and its return is demanded by the defendant.

2d. For the value of the defendant's interest in the property.

3d. For the damages for the detention, also for costs of suit. The return of the property by the plaintiff to the defendant, if accepted by him, shall be held to be a full satisfaction of said judgment for the value of the defendant's interest therein, and no execution, except for damages of the detention and for the costs of suit, shall be issued upon the same, except in case the property is not returned.

SEC. 5. That said original sections one hundred and forty-three, one hundred and forty-five, one hundred and forty-seven, and one hundred and forty-eight, be and the same are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 17, 1867.

AN ACT

To authorize persons charged with crimes or offenses to testify.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the trial of all indictments, complaints and other proceedings against persons charged with the commission of crimes or offenses, the person so charged shall, at his own request, but not otherwise, be deemed a competent witness; nor shall the neglect or refusal to testify create any presumption against him, nor shall any reference be made to, nor any comment upon, such neglect or refusal.

When persons charged with crimes may testify.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 17, 1867.

OFFICE OF THE SECRETARY OF STATE, }
COLUMBUS, O., April 25, 1867. }

I hereby certify that the foregoing general laws are correctly copied from the original rolls on file in this office.

WM. HENRY SMITH,
Secretary of State.

AUCTIONS AND AUCTIONEERS.

In compliance with a joint resolution passed by the general assembly April 3, 1867, the following act to regulate sales at auction, passed March 16, 1840, is republished. It was omitted from the statutes of Swan & Critchfield, though published in the edition of 1854 of Swan's Statutes.

WM. HENRY SMITH,
Secretary of State.

AN ACT

Regulating sales at auction.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to exercise the trade or occupation of auctioneer, or to sell by way of public auction, vendue or outcry, either directly or indirectly in this state, any property or effects whatsoever, except utensils of husbandry and household furniture, real estate, produce, horses, sheep, hogs, neat cattle, without license, as herein provided for; and if any person shall exercise the trade or occupation of auctioneer, or shall sell or attempt to sell by way of public vendue, auction, or outcry in this state, any property or effects whatsoever, except as aforesaid without such license, every person so offending shall for such offense, forfeit and pay to the state of Ohio a sum not exceeding five hundred dollars, nor less than one hundred dollars.

Auctioneers
can not sell
without
license.

Penalty.

SEC. 2. That the prohibition aforesaid shall not extend to any officer or person executing any process or order of any court in this state, selling any property or effects directed by law, or by any process or order to be sold by public vendue, auction or outcry.

Exception.

SEC. 3. That the several courts of common pleas in this state shall, in their respective counties, have power and authority to appoint and license such number of suitable persons, residing in such county, as may be proper to exercise the trade or occupation of auctioneer, and make sales by auction according to law, within such county, for the term of one year from the date of such appointment.

Appointment
of auction-
eers by court
of common
pleas.

SEC. 4. That the court of common pleas shall determine the amount to be paid by each auctioneer licensed in their respective counties, which amount shall in no case exceed the sum of five hundred dollars; and every auctioneer ap-

Amount of
license.

Bond.

pointed under the provisions of this act, before he shall receive license to enter upon the duties of his appointment, shall give bond to the state of Ohio with one or more sufficient securities, to be approved of and accepted by the court granting the license, in the penal sum of one thousand dollars, conditioned for the faithful performance of his duty, and for the payment of the duties that are or shall be imposed by law and that shall accrue on sales by him made, and shall file the same with the treasurer of the county, and pay to such treasurer the sum of money required of him by the court for such license and take duplicate receipts for the same, one of which receipts shall be delivered to the auditor of the county who shall file the same in his office and certify the payment to the clerk of the court making the appointment; and, upon such certificate the clerk shall issue license in proper form, under seal of such court granting to the auctioneer so appointed, full power and authority to set up and expose to sale, by auction, property and effects according to his appointment, for which the clerk shall be entitled to one dollar as his fee, to be paid by the auctioneer on the delivery of the same.

Duties on
articles sold.

SEC. 5. That all property and effects which shall at any time be exposed to sale by public auction in this state, with the exceptions mentioned in the first and second sections of this act, shall be subject each and every time the same shall be struck off, to duties at the following rates, to be calculated on the sums for which the property or effects so exposed to sale shall be struck off, namely:

1st. All sugars, molasses, coffee, teas, spices, salt, fish, oil and wines, at the rate of seventy-five cents for every hundred dollars.

2d. All vessels and boats, including engines, tackle, apparel and furniture belonging to boats and vessels, at the rate of one dollar on every hundred dollars.

3d. All queens-ware, glass-ware and ardent spirits, at the rate of one dollar and fifty cents for every hundred dollars.

4th. All dry goods, hard-ware and cutlery, and all other articles not included in the foregoing classes, at the rate of two dollars on every hundred dollars.

Property to
be sold to
highest bidder.

SEC. 6. That all property and effects sold by auction, shall in all cases be sold to the highest bidder, and when the auctioneer or any person employed by him, or either of them shall be such bidder, they shall be subject to the same duties as if struck off to any other person; but this section shall not be construed to render valid any sale that would otherwise be deemed fraudulent and void.

Articles sold
at private
sale subject
to duties.

SEC. 7. That all property and effects which shall be sold by an auctioneer on commission, whether by auction or at private sale, shall be subject to the duties enumerated in the fifth section of this act; and if any person other than a licensed auctioneer, on the day and at the place where any public auction shall be held, shall sell at private sale any property or effects liable to auction duties, every person so offending shall forfeit and pay to the state of Ohio a sum

equal to the price for which such property or effects shall have been sold.

SEC. 8. That if any auctioneer shall associate with him in any manner whatever any person who shall derive profit or advantage from the sale of any property or effects by auction, or shall associate himself, in any manner whatever, with a commission merchant or other person, and shall derive profit or advantage from the sale of any goods or articles on commission which would be subject to auction duty, if sold by auction, all such goods or articles which shall be sold on commission, at private sale, by the person or persons with whom such auctioneer shall be associated, or by any person in his or their employ, shall be subject to the duties enumerated in the fifth section of this act.

Same.

SEC. 9. That if any auctioneer shall farm out his office to another, or derive profit or advantage from any sales by auction that are not superintended by himself personally, every auctioneer so offending shall be guilty of a misdemeanor, and upon conviction thereof before the court of common pleas of the proper county, shall, for such offense, forfeit and pay to the state of Ohio a sum not exceeding one thousand dollars nor less than one hundred dollars, with costs of prosecution, and shall moreover forfeit his license; provided, that in case of sickness or necessary absence of any auctioneer, any sale appointed by him may be made under the personal superintendence of his known clerk.

Auctioneers can not farm out their offices to others.

SEC. 10. That every licensed auctioneer in this state shall make out in writing a quarterly account, dated on the first days of March, June, September and December, in the year for which he shall have been appointed, and shall therein state, minutely and particularly—

Proviso.

1st. The sums for which any property shall have been sold, at every auction held by him from the date of his license, or from the date of his last quarterly account, the names of the persons on whose account the sale was made, the day of sale, and the amount of each day's sale.

Quarterly account.

2d. The amount of all other sales made by himself or any other person associated with him, or by any person in his or their employ, of property or effects liable to auction duties, under any of the provisions of this act, the days on which such sales were made, and the name of the person making such sale.

3d. The amount of duties chargeable under the provisions of this act, on all sales public and private, of property and effects subject to duties under any of the provisions of this act, and every such account shall be verified by a declaration of the auctioneer, in the words following, viz: "I, A. B., do solemnly declare, that the account now exhibited by me, and to which I have subscribed my name, contains a full and true statement and exhibit of all the property and effects of every class and description, sold or struck off or bought in by me at public sale or sold by me at private sale, on commission, or sold, struck off or bought in, as aforesaid, by others, in my name, or under my direction, or for my benefit, and so far as I know or believe of all goods and effects sold by any per-

son in my employment or connected with me in business, and subject to duties according to the provisions of the 'act regulating sales at auction' within the time stated in this account, and that the full amount of duties, chargeable according to law, on all such property and effects, is therein truly stated;" which declaration shall be indorsed on the account, and shall be subscribed and sworn to, or affirmed by the auctioneer making it, before a justice of the peace, or some other officer authorized to administer oaths, who shall certify the same; and the said auctioneer shall within fifteen days from the date of such account, deliver the same to the county treasurer, and shall at the same time pay to the said treasurer the amount of duties accruing on the sales mentioned in the account; and if any auctioneer shall neglect or refuse to exhibit any quarterly account, and deliver the same properly verified as aforesaid, or shall neglect or refuse to make payment of the duties required by this act, to the treasurer of the proper county, within the time aforesaid, every auctioneer so offending shall be deemed guilty of a misdemeanor, and on conviction thereof before the court of common pleas of the proper county, shall pay a fine not exceeding one thousand dollars, with costs of prosecution, and shall forfeit his license, and shall nevertheless be liable for all such duties to be recovered in an action of debt, in the name of the state of Ohio.

Moneys
raised by
tax, penalty,
&c., how dis-
posed of.

SEC. 11. That all moneys raised by way of tax, penalty, or otherwise, under the provisions of this act, shall be paid into the treasury of the proper county, for which duplicate receipts shall be taken by the person making such payment, one of which receipts he shall deliver to the auditor of the county, who shall file the same in his office, and charge the treasurer therewith; and it shall be the duty of each and every county treasurer with whom any money may be deposited, in conformity with the provisions of this act, on or before the fifteenth day of January, in each and every year, to transmit to the auditor of state a correct account of all moneys so by him received, and to pay to the treasurer of state all such moneys not otherwise appropriated by law, after deducting therefrom two per centum, to be computed on the amount received and paid over by such treasurer, as his compensation.

Duty of sher-
iff.

SEC. 12. That it shall be the duty of the sheriff, or other officer who shall collect and receive any fine or penalty imposed under the provisions of this act, to pay the same to the treasurer of the proper county, within ten days after receiving the same.

Penalty
against offi-
cers for neg-
lect.

SEC. 13. That if any county treasurer, sheriff, or other officer shall neglect to perform the duties required by this act, he shall forfeit and pay to the state of Ohio the sum of one hundred dollars over and above the amount of money which ought to have been paid over by such county treasurer, sheriff, or other officer.

SEC. 14. It shall be the duty of the auditor of each and every county, with whom any auctioneer or other person may have filed the receipt or receipts of any county treasurer, according to the provisions of this act, to transmit a full and

accurate statement of all such receipts to the auditor of state, on or before the fifteenth day of January, in each and every year.

SEC. 15. That all fines, penalties and forfeitures, imposed by and incurred under the provisions of this act, may be recovered by indictment before the court of common pleas of the county in which the offense shall have been committed, or by action of debt in the name of the state of Ohio; and it shall be the duty of the president of every such court at every term, to give this act specially in charge to the grand jury.

How fines,
&c., recovered.

SEC. 16. That the provisions of this act shall in no wise apply to the county of Hamilton, but that all sales at auction in said county shall be regulated by the local act, passed March 18, 1839, entitled "an act regulating sales at auction in the county of Hamilton."

This act not
to apply to
Hamilton
county.

SEC. 17. That the act entitled "an act regulating sales at auction," passed March 14, 1831, and the acts amendatory thereof, passed January 2, 1834, and March 4, 1835, be and the same are hereby repealed. This act to be in force from and after the first of March next.

1 Curwen,
114.
1 Curwen,
172.

THOMAS J. BUCHANAN,
Speaker of the House of Representatives.
WILLIAM McLAUGHLIN,
Speaker of the Senate.

March 16th, 1840.

LOCAL AND SPECIAL ACTS.

AN ACT

To authorize the town council of the incorporated village of Sidney, in the county of Shelby, to issue bonds and levy a tax to aid in the construction of turnpike roads leading into said village of Sidney.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Sidney, in Shelby county, in the state of Ohio, be and they are hereby authorized to contribute a sum not exceeding twelve thousand dollars, for the purpose of aiding in the construction of free turnpike roads upon any or all of the roads leading into said village.

SEC. 2. That for the purpose of raising the money necessary to meet said appropriation, the said town council are hereby authorized to issue the bonds of said incorporated village, payable at such times as said town council may deem advisable, with interest at the rate of seven per cent. per annum, payable semi-annually, and which bonds shall not be sold for less than their par value.

SEC. 3. That for the purpose of paying said bonds and the interest thereon, as the same may become due, the said town council is hereby authorized to levy a tax upon the taxable property of said incorporated village sufficient for the purpose, not exceeding five mills upon the dollar in any one year, which shall be used for no other purpose.

SEC. 4. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

January 23, 1867.

AN ACT

To authorize the board of public works to vacate the tow path on Swan creek, from lock No. 1, Miami and Erie canal, to the mouth of said creek.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works of the state of Ohio be and is hereby authorized and empowered to relinquish, surrender and release on behalf and in the name of the state of Ohio, to the present owners respectively, of the lots and parcels of land bounding and abutting upon Swan creek, between the mouth of the same and a point on said creek, one hundred

and fifty feet below lock number one, on the Miami and Erie canal, all such right, title and interest as said state may have heretofore acquired, by use or otherwise, and now have in said lots and parcels of land, for the purposes of a towing path, on and across the same, in connection with the navigation of said canal if upon examination they shall be satisfied that such release can be made without prejudice to the interest of the state, or the navigation of the canals, and its convenient connection with the trade of the lakes; provided, that the said state shall be at liberty to remove and appropriate to its own use, any materials used in the construction of said towing path, and any property belonging to said state, situate on said premises to be relinquished and surrendered.

SEC. 2. Said board of public works shall be authorized and empowered to enter into and enforce contracts for the towing of canal boats up and down said Swan creek, between the mouth of the same and said lock number one, during the season of navigation in said canal, and to make and enforce all needful rules, regulations and restrictions in reference to the towing of such boats on said creek, and the prices to be charged and paid therefor.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed January 24, 1867.

AN ACT

To authorize the commissioners of Butler county, Ohio, to levy a tax to build a free bridge across the Great Miami River at Hamilton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Butler county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property within the limits of said county, sufficient to build a free bridge across the Great Miami river at the city of Hamilton, situate therein; said tax to be levied in equal amounts for two consecutive years; and the said commissioners are hereby authorized to issue the bonds of said county to anticipate the collection of the tax aforesaid, which bonds may be negotiated for the purpose of assisting to build said bridge.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed January 28, 1867.

AN ACT

To authorize the commissioners of Butler county, Ohio, to levy a tax to assist in building free bridges across the Great Miami River in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Butler county, Ohio, be and they are hereby

authorized to levy a tax on all the taxable property in said county, to assist in building free bridges across the Great Miami river at the site of the old Manchester bridge, north of Middletown, and also at Ball's ferry, near Amanda, in said county.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed January 28, 1867.

AN ACT

To authorize the commissioners of Fairfield county to build a court house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Fairfield county be, and they are hereby authorized to construct a court house, with or without public offices, as they may think best, at such point at the county seat of said county as in their judgment may be deemed most for the public good, at a cost not exceeding one hundred thousand dollars in addition to the proceeds of any real estate now held by the county for a court house and public offices which they may sell; and that the said commissioners be and they are hereby authorized to purchase and receive a conveyance for, in fee simple, any lot or lots that in their opinion may be necessary or proper for a site for such building, and for the same purpose to receive from the corporate authorities of the city of Lancaster a transfer of any lot or lots in said city dedicated to public uses, and also to sell and convey, in fee simple, any real estate now held by the county for a court house and public offices, if in their opinion the public interests and convenience will be subserved by such sale.

SEC. 2. To enable said commissioners to carry into effect the provisions of this act, they are hereby authorized to transfer to the building fund, and use for the purposes of this act, any surplus of other funds now in the county treasury, except the school and soldiers' relief funds, or which may hereafter accumulate, not needed for the specific objects for which the said surplus was raised; and also to raise by taxation whatever sum may be needed for said purposes, not to exceed with such surplus the sum of one hundred thousand dollars, by levies of not exceeding twenty-five thousand dollars in any one year; but the proceeds of any real estate sold by them as aforesaid shall not be considered part of said one hundred thousand dollars.

SEC. 3. Before determining upon a plan of said building, said commissioners may personally examine similar structures any where in the state, and they shall call to their assistance a competent architect or engineer to prepare drafts and specifications of the plan determined upon; and the work of the building of said structure may be done either under their own supervision or that of a superintendent to be appointed by them and subject to their control, in accordance with the plan determined on by them or any modifications thereof they may make.

SEC. 4. That this act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 4, 1867.

AN ACT

To authorize the commissioners of Tuscarawas county, Ohio, to levy a tax to build a free bridge across the Tuscarawas river at or near Goshen fording, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Tuscarawas county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property of said county, sufficient to build a free bridge across the Tuscarawas river at or near Goshen fording, on the road leading from New Philadelphia to Trenton.

SEC. 2. That said commissioners shall levy a sum not exceeding fifteen thousand dollars, and only such an amount thereof as is sufficient to build a good, substantial bridge.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 14, 1867.

AN ACT

To reimburse Jacob Miller, treasurer of Wayne township, Darke county, Ohio.

WHEREAS, The warehouse of Jacob Miller, treasurer of Wayne township, Darke county, Ohio, was burglariously entered on the night of the first of September, A. D. 1861, his safe broken open, and public money belonging to said township, to the amount of six hundred and fifty dollars, was stolen therefrom; and,

WHEREAS, The said Jacob Miller, treasurer as aforesaid, has paid for the use of the said township the said amount of six hundred and fifty dollars out of his own private funds; and,

WHEREAS, The officers and tax payers of said township, by petition, represent that said robbery was committed without any fault or neglect of said Jacob Miller; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Wayne township, Darke county, are hereby authorized to levy a tax of six hundred and fifty dollars, and certify the same to the county auditor of the county, on or before the first Monday in June next, to reimburse Jacob Miller for six hundred and fifty dollars by him expended for township purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 14, 1867.

AN ACT

To authorize the commissioners of Ottawa county to levy a tax to build a bridge over Toussaint river, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ottawa county, Ohio, be and they

are hereby authorized to levy, on all the taxable property within said county, sufficient tax to build a free bridge across the Toussaint river, where the "Hartford road," so called, crosses the same. The tax so to be raised shall be levied in one or two successive years, at the discretion of the commissioners, and the money to be raised by such special tax shall be appropriated to no other purpose.

SEC. 2. This act shall take effect from its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 15, 1867.

AN ACT

To authorize the commissioners of Licking county to levy a special tax for road and bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Licking be and they are hereby authorized to levy a tax of one mill on the dollar valuation of the taxable property of said county, for the year 1867, in addition to the sum already authorized by law for road and bridge purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

February 21, 1867.

AN ACT

Further to prescribe the duties of the commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the commissioners of Hamilton county to cause to be constructed a bridge across Mill Creek, at or near the western end of Eighth street, in the city of Cincinnati, and to provide for the payment of the cost of construction of such bridge, said commissioners are hereby authorized and required, in addition to their other powers of taxation, to levy a tax therefor upon the real and personal property returned upon the grand levy of said county, not exceeding the one-fourth of one mill.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

February 21, 1867.

AN ACT

To authorize the commissioners of Mercer county to build a court house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Mercer county be and they are hereby authorized to build a court house, with public offices, at such point at the county seat of said county as in their judgment may be deemed most for the public good, at a cost not exceeding fifty thousand dollars.

SEC. 2. That said commissioners shall have power to issue bonds of said county for sums not less than one hundred dollars each, bearing interest at a rate not exceeding ten per cent. per annum, payable annually, and conditioned to be paid in one, two, three, four and five years, in equal amounts, but redeemable at the pleasure of said commissioners; said bonds, in the aggregate, not to exceed thirty-five thousand dollars; provided, that said bonds shall not be disposed of for less than their par value; said bonds to be signed by at least two of said county commissioners, and countersigned by the auditor of said county.

SEC. 3. That for the purpose of paying said bonds and the interest thereon, said commissioners are empowered, in addition to levies now authorized by law, to levy a tax annually, upon all the taxable property of said county, sufficient therefor, but not exceeding two (2) mills on the dollar of valuation on the grand duplicate of said county in any one year, which shall be placed on the duplicate of said county and collected as other taxes levied by said commissioners; and it shall not be lawful for said commissioners to appropriate any of said fund for any other purpose than that for which it was levied.

SEC. 4. This act shall take effect and be in force on and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed February 21, 1867.

AN ACT

To extend the time of payment for lots numbers 1, 2, 3, 4 and 5, in section sixteen, township one, range 6, M. R.'s, in Montgomery county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years, from the 28th of May, 1867, be and is hereby given to the purchaser, Joseph H. Dryden, of lots numbers one, two, three, four and five, of school lands in section sixteen, township one, range six (6), M. R.'s, in Montgomery county, Ohio, embracing four hundred and sixty-two acres and sixty-two one hundredths, for the payment of the principal of the purchase money thereof not yet paid; provided, that the interest and taxes thereon shall be paid according to law, and that the auditor of said county shall require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect upon its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 27, 1867.

AN ACT

authorize the commissioners of Wayne county to build county offices, and increase the tax levy upon the taxable property of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Wayne county be and they are hereby authorized to build county offices, and make all contracts necessary to carry out the provisions of this act.

SEC. 2. That for the purpose of providing money to build county offices, said county commissioners are hereby authorized to increase the levy upon the taxable property of said county two mills on the dollar of the valuation of said property, which money, so raised, shall not be used for any other purpose.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 27, 1867.

AN ACT

For the relief of William Megrue.

WHEREAS, The state of Ohio owned and held six hundred and five shares of stock in the Batavia Turnpike and Miami Bridge Company, a corporation organized under the laws of said state, and owning a turnpike road, with one terminus at or near Batavia, in Clermont county, Ohio, and the other at Union Bridge (so called), over the Little Miami river; and,

WHEREAS, Under the joint resolutions of the general assembly of the state of Ohio, passed April 6th, 1866, the commissioners of the sinking fund of said state, did advertise and sell said stock to T. R. Biggs and William Megrue, for the sum of seven thousand eight hundred and sixty-five dollars, and said sale having been approved in writing by the governor, said stock was intended and attempted to be assigned and transferred to said Biggs and Megrue, but it so happened by mistake, that said stock was advertised and assigned as stock in the "Batavia and Union Bridge Turnpike Company," and thus, by a mistake in the name of the company, said sale of said stock is technically invalid; and,

WHEREAS, Said Biggs and Megrue made full payment for said stock, and afterwards said Biggs sold and assigned all his interest in said stock to said Megrue, and said Megrue is in equity entitled to a valid transfer of said stock; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said sale of said stock so made as aforesaid, be and the same is hereby confirmed; that the commissioners of the sinking fund be, and they are hereby required, to assign and transfer to said William Megrue, said six hundred and five shares of such stock so held by the state in said Batavia Turnpike and Miami Bridge Company, and that said Megrue and his assignees shall be entitled to all the rights and privileges of any other

stockholder in said company in proportion to the amount of said stock so sold and transferred to him.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 27, 1867.

AN ACT

To authorize the commissioners of Greene county to build an infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Greene county be and they are hereby authorized and empowered to build a poor house or infirmary upon the infirm-ary farm of the said county, and to make all contracts that may be necessary to carry out the provisions of this act; provided, that the cost of building the same shall not exceed the sum of fifty thousand dollars.

SEC. 2. To raise the money necessary for this purpose, the commissioners of the said county are hereby authorized and empowered to issue the bonds of the said county to any amount not exceeding the said sum of fifty thousand dollars, in the aggregate, for sums not less than one hundred dollars each, payable at the pleasure of said commissioners at a period not exceeding fifteen years from the date thereof, and in such amounts, and at such times as said commissioners shall determine, and bearing interest at a rate not exceeding seven and three-tenths (7 3-10) per cent. per annum, payable yearly; provided, that said bonds shall not be sold or disposed of in any case for less than their par value.

SEC. 3. That for the purpose of paying the said bonds and the interest thereon, as the same become due, the said commissioners are hereby authorized and empowered to levy on the taxable property of the said county such amount annually as will be sufficient to pay the principal of the bonds that shall fall due each year, respectively, and also the interest falling due annually on all of the bonds so issued, and the money so raised shall not be used for any other purpose.

SEC. 4. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 27, 1867.

AN ACT

To authorize the commissioners of Ross county to build a bridge over the Scioto river, south-east of Chillicothe.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ross county be and they are hereby authorized and empowered to build a bridge over the Scioto river at a point.

south-east of Chillicothe, in said county, between the mouth of Lick run and the bridge of the Marietta and Cincinnati Railroad Company, the site to be selected by said county commissioners, and to expend in the construction of said bridge any sum not exceeding thirty-five thousand dollars.

SEC. 2: That to defray the expenses of the construction of said bridge, the commissioners of said county are authorized to levy, for the year 1867, in addition to the levy now authorized by law, for bridge purposes, a tax of one mill on the dollar valuation on the grand duplicate, said tax to be collected as all other taxes are by law authorized to be collected.

SEC. 3. That in anticipation of said tax said commissioners may, in their discretion, issue the bonds of said county in such sums as they may deem proper, not to exceed the amount of thirty-five thousand dollars, exclusive of the interest thereon, bearing interest at the legal rate, and made payable in one year from date, and dispose of the same at not less than their par value, and appropriate the proceeds to the construction of said bridge, said bonds and the interest thereon to be paid from the proceeds of the tax thus anticipated.

SEC. 4. This act to be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

March 5, 1867.

AN ACT

To authorize the commissioners of Montgomery county to build a jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county be and they are hereby authorized to build a jail at such point at the county seat of said county as in their judgment may be most for the public good, at a cost not exceeding sixty thousand dollars in addition to the proceeds of any real estate now held by the county for a jail.

SEC. 2. That said commissioners shall have power to appropriate any money now in the treasury of said county and not belonging to any of the regular funds of said county, to the payment of the sum authorized by the first section of this act, and may issue bonds of said county bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and conditioned to be paid in one, two and three years, in equal amounts, but redeemable at the pleasure of said commissioners.

SEC. 3. That for the purpose of paying said bonds and the interest thereon, said commissioners are empowered, in addition to the levies now authorized by law, to levy a tax, annually, upon all the taxable property of said county sufficient therefor, but not exceeding one-half of one mill on the dollar valuation, in any one year, which shall be placed on the duplicate of said county and collected as other taxes levied by said commissioners.

SEC. 4. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

March 5, 1867.

AN ACT

To authorize the commissioners of Holmes county to levy a special tax to repair the state road leading west from the town of Millersburg.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Holmes county be and they are hereby authorized to levy a special tax of one-third of one mill on the dollar of the taxable property in said county, in the year 1867, in addition to the other levies authorized by law, for the purpose of repairing and improving the state road leading west and north from the town of Millersburg, in said county, in that part thereof immediately west of the bridge over the Killbuck river, so that that portion of said road may be protected from the overflow of said river.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed March 7, 1867.

AN ACT

To provide for building a bridge over the Walhonding River, near the town of Warsaw, in Coshocton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Coshocton county, Ohio, be and they are hereby authorized to levy, on all the taxable property within said county, a tax sufficient to build a free bridge across the Walhonding River, at or near the town of Warsaw, in said county; provided, that before the said commissioners shall levy said tax, the trustees of Jefferson township, in said county, shall raise, by voluntary contributions, or by a tax levied on the taxable property of said township, or by both, a sum to be agreed upon by the commissioners and trustees aforesaid, to aid in the erection of said bridge.

SEC. 2. The trustees of said Jefferson township are hereby authorized to certify to the county auditor the amount of tax to be levied on said township, so agreed upon, which shall be levied and collected, as other taxes are levied and collected, and applied by the county commissioners in the erection of said bridge, and for no other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed March 7, 1867.

AN ACT

To authorize the county commissioners of Belmont county to purchase additional lands, and erect additional buildings for infirmary purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the county commissioners of Belmont county,

authorized to levy a tax on all the taxable property in said county, to assist in building free bridges across the Great Miami river at the site of the old Manchester bridge, north of Middletown, and also at Ball's ferry, near Amanda, in said county.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed January 28, 1867.

AN ACT

To authorize the commissioners of Fairfield county to build a court house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Fairfield county be, and they are hereby authorized to construct a court house, with or without public offices, as they may think best, at such point at the county seat of said county as in their judgment may be deemed most for the public good, at a cost not exceeding one hundred thousand dollars in addition to the proceeds of any real estate now held by the county for a court house and public offices which they may sell; and that the said commissioners be and they are hereby authorized to purchase and receive a conveyance for, in fee simple, any lot or lots that in their opinion may be necessary or proper for a site for such building, and for the same purpose to receive from the corporate authorities of the city of Lancaster a transfer of any lot or lots in said city dedicated to public uses, and also to sell and convey, in fee simple, any real estate now held by the county for a court house and public offices, if in their opinion the public interests and convenience will be subserved by such sale.

SEC. 2. To enable said commissioners to carry into effect the provisions of this act, they are hereby authorized to transfer to the building fund, and use for the purposes of this act, any surplus of other funds now in the county treasury, except the school and soldiers' relief funds, or which may hereafter accumulate, not needed for the specific objects for which the said surplus was raised; and also to raise by taxation whatever sum may be needed for said purposes, not to exceed with such surplus the sum of one hundred thousand dollars, by levies of not exceeding twenty-five thousand dollars in any one year; but the proceeds of any real estate sold by them as aforesaid shall not be considered part of said one hundred thousand dollars.

SEC. 3. Before determining upon a plan of said building, said commissioners may personally examine similar structures any where in the state, and they shall call to their assistance a competent architect or engineer to prepare drafts and specifications of the plan determined upon; and the work of the building of said structure may be done either under their own supervision or that of a superintendent to be appointed by them and subject to their control, in accordance with the plan determined on by them or any modifications thereof they may make.

SEC. 4. That this act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 4, 1867.

AN ACT

To authorize the commissioners of Tuscarawas county, Ohio, to levy a tax to build a free bridge across the Tuscarawas river at or near Goshen fording, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Tuscarawas county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property of said county, sufficient to build a free bridge across the Tuscarawas river at or near Goshen fording, on the road leading from New Philadelphia to Trenton.

SEC. 2. That said commissioners shall levy a sum not exceeding fifteen thousand dollars, and only such an amount thereof as is sufficient to build a good, substantial bridge.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 14, 1867.

AN ACT

To reimburse Jacob Miller, treasurer of Wayne township, Darke county, Ohio.

WHEREAS, The warehouse of Jacob Miller, treasurer of Wayne township, Darke county, Ohio, was burglariously entered on the night of the first of September, A. D. 1861, his safe broken open, and public money belonging to said township, to the amount of six hundred and fifty dollars, was stolen therefrom; and,

WHEREAS, The said Jacob Miller, treasurer as aforesaid, has paid for the use of the said township the said amount of six hundred and fifty dollars out of his own private funds; and,

WHEREAS, The officers and tax payers of said township, by petition, represent that said robbery was committed without any fault or neglect of said Jacob Miller; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Wayne township, Darke county, are hereby authorized to levy a tax of six hundred and fifty dollars, and certify the same to the county auditor of the county, on or before the first Monday in June next, to reimburse Jacob Miller for six hundred and fifty dollars by him expended for township purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 14, 1867.

AN ACT

To authorize the commissioners of Ottawa county to levy a tax to build a bridge over Toussaint river, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ottawa county, Ohio, be and they

are hereby authorized to levy, on all the taxable property within said county, sufficient tax to build a free bridge across the Toussaint river, where the "Hartford road," so called, crosses the same. The tax so to be raised shall be levied in one or two successive years, at the discretion of the commissioners, and the money to be raised by such special tax shall be appropriated to no other purpose.

SEC. 2. This act shall take effect from its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

Passed February 15, 1867.

AN ACT

To authorize the commissioners of Licking county to levy a special tax for road and bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Licking be and they are hereby authorized to levy a tax of one mill on the dollar valuation of the taxable property of said county, for the year 1867, in addition to the sum already authorized by law for road and bridge purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

February 21, 1867.

AN ACT

Further to prescribe the duties of the commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the commissioners of Hamilton county to cause to be constructed a bridge across Mill Creek, at or near the western end of Eighth street, in the city of Cincinnati, and to provide for the payment of the cost of construction of such bridge, said commissioners are hereby authorized and required, in addition to their other powers of taxation, to levy a tax therefor upon the real and personal property returned upon the grand levy of said county, not exceeding the one-fourth of one mill.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

February 21, 1867.

AN ACT

To authorize the commissioners of Mercer county to build a court house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Mercer county be and they are hereby authorized to build a court house, with public offices, at such point at the county seat of said county as in their judgment may be deemed most for the public good, at a cost not exceeding fifty thousand dollars.

SEC. 2. That said commissioners shall have power to issue bonds of said county for sums not less than one hundred dollars each, bearing interest at a rate not exceeding ten per cent. per annum, payable annually, and conditioned to be paid in one, two, three, four and five years, in equal amounts, but redeemable at the pleasure of said commissioners; said bonds, in the aggregate, not to exceed thirty-five thousand dollars; provided, that said bonds shall not be disposed of for less than their par value; said bonds to be signed by at least two of said county commissioners, and countersigned by the auditor of said county.

SEC. 3. That for the purpose of paying said bonds and the interest thereon, said commissioners are empowered, in addition to levies now authorized by law, to levy a tax annually, upon all the taxable property of said county, sufficient therefor, but not exceeding two (2) mills on the dollar of valuation on the grand duplicate of said county in any one year, which shall be placed on the duplicate of said county and collected as other taxes levied by said commissioners; and it shall not be lawful for said commissioners to appropriate any of said fund for any other purpose than that for which it was levied.

SEC. 4. This act shall take effect and be in force on and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed February 21, 1867.

AN ACT

To extend the time of payment for lots numbers 1, 2, 3, 4 and 5, in section sixteen, township one, range 6, M. R.'s, in Montgomery county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years, from the 28th of May, 1867, be and is hereby given to the purchaser, Joseph H. Dryden, of lots numbers one, two, three, four and five, of school lands in section sixteen, township one, range six (6), M. R.'s, in Montgomery county, Ohio, embracing four hundred and sixty-two acres and sixty-two one hundredths, for the payment of the principal of the purchase money thereof not yet paid; provided, that the interest and taxes thereon shall be paid according to law, and that the auditor of said county shall require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect upon its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 27, 1867.

for six successive years, beginning with 1867, on the taxable property within said district to purchase a site or sites, and erect a school house or school houses thereon; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said board of education is hereby authorized to borrow an amount of money, not exceeding twenty thousand dollars, for the purposes set forth in the preamble of this act, for which the said board shall issue the bonds of the said district, bearing interest at the time the bonds are issued, not exceeding the highest legal rate per cent. per annum, and payable at such times and places as the said board shall determine.

SEC. 2. The said board shall, on or before the first day of July, annually, and until the whole of the interest and principal be paid, make known the amount needed to pay any installment, and the interest thereon which will become due before the first day of July then next ensuing, to the county auditor, and the same shall be assessed, collected and paid over in addition to other taxes allowed by law according to the provisions of the act before referred to.

SEC. 3. This act shall take effect upon its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

March 9, 1867.

AN ACT

To authorize the commissioners of Hamilton county, Ohio, to purchase the bridge owned by the "White Water Bridge Company," across the Great Miami river at Miami, or to construct a free one.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, are hereby authorized to purchase of the "White Water Bridge Company," their toll bridge across the Great Miami river at the town of Miami, in said county of Hamilton, in order to make the same free; provided, that it can be purchased at such reasonable price as the said commissioners and the bridge company may agree upon, not to exceed twenty thousand dollars in amount.

SEC. 2. That if said commissioners and the bridge company shall fail to agree, or if said bridge company shall refuse to sell their said bridge upon the terms above specified, then it shall be competent and lawful for said commissioners to construct or cause to be constructed, a free bridge across said river, to accommodate the traveling public, at any point they may select, not to exceed forty rods distant from the present bridge.

SEC. 3. For the purpose of carrying into effect this act, it shall be lawful for the commissioners to appropriate any bridge fund, or transfer any surplus funds at their disposal not otherwise appropriated.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

March 9, 1867.

AN ACT

To enable the commissioners of Muskingum county to purchase the lower or Putnam toll bridge, and also the north-west wing of the upper bridge, across the Muskingum river at Zanesville, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Muskingum county be and they are hereby empowered to levy, either in the year 1867 or the year 1868, in addition to other taxes authorized by law, a tax of not exceeding twenty-five thousand dollars, on the taxable property of the county, for the purchase of the lower or Putnam bridge, and also the north-west wing of the upper bridge across the Muskingum river at Zanesville, Ohio; provided, that if the commissioners elect, they may levy one half of the above sum in each of the above named years.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1867.

AN ACT

To enable the commissioners of Muskingum county to purchase the iron suspension bridge across the Muskingum river, at Dresden, and also the wooden bridge across Jonathan's Creek, at Moxahala.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Muskingum county be and they are hereby empowered to levy, in any year previous to the year 1870, in addition to other taxes authorized by law, a tax of not exceeding ten thousand five hundred dollars, on the taxable property of the county, for the purchase of the iron suspension bridge across the Muskingum river, at Dresden, and the wooden bridge across Jonathan's Creek, at Moxahala.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 9, 1867.

AN ACT

To authorize the commissioners of Tuscarawas county, Ohio, to levy a tax to build a bridge across the Tuscarawas river, at the town of Dover.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Tuscarawas county, Ohio, be and they are hereby authorized to levy, in addition to other levies authorized by law, a tax on all the taxable property within the limits of said county, sufficient to build a free bridge across the Tuscarawas river, at the town of

Dover, on the new road recently located from said town of Dover to New Philadelphia, in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 11, 1867.

AN ACT

To authorize the commissioners of Stark county to build a court-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Stark county be, and they are hereby authorized, to build a new court-house, with public offices, at the county seat of said county, on the lot now occupied by the old court-house and public offices, at a cost not exceeding one hundred thousand dollars. The material in the old court-house and public offices may, in the discretion of said commissioners, be used in erecting the new court-house, or sold, and the proceeds, or any part thereof, appropriated to the building or furnishing of said new court-house.

SEC. 2. To enable the commissioners to carry into effect the provisions of this act, they are hereby authorized to transfer to the building fund and use for the purposes of this act, any surplus of other funds now in the county treasury, or which may hereafter accumulate, not needed for specific purposes for which said surplus was raised; and also raise by taxation on the property of the county whatever sum may be needed for said purpose, not exceeding in all the aforesaid aggregate amount of one hundred thousand dollars; but the taxes so levied shall not in any one year exceed twenty thousand dollars. In anticipation of the collection of said taxes, the said commissioners shall have power to issue the bonds of the said county in such sums and upon such terms, bearing legal rates of interest and redeemable at the pleasure of said commissioners, which bonds shall not be sold for less than par value.

SEC. 3. Before determining upon a plan of said building, said commissioners may personally examine similar structures any where in the state, and they shall call to their assistance a competent architect or engineer to prepare drafts and specifications of the plan determined upon; and the work of the building of said structure may be done either under their own supervision or that of a superintendent to be appointed by them and subject to their control, in accordance with the plan determined on by them or any modifications thereof they may make.

SEC. 4. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 14, 1867.

AN ACT

To authorize the commissioners of Guernsey county to levy a tax to build a bridge across Wills Creek, at the west end of Steubenville street, at the incorporated village of Cambridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Guernsey county be, and they are hereby authorized to levy, in addition to other levies authorized by law, a tax on all the taxable property within the limits of said county, not exceeding one-half mill on the dollar, to build a bridge across Wills Creek, at the west end of Steubenville street, at the incorporated village of Cambridge.

SEC. 2. This act shall take effect from its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 14, 1867.

AN ACT

To authorize the commissioners of Pickaway county, Ohio, to levy a tax to assist in building a free bridge across the Scioto river at or near Lindsey's Ferry in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pickaway county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property within the limits of said county, to assist in building a free bridge across the Scioto river at or near Lindsey's Ferry in said county; said tax to be levied in equal amounts in one or more successive years at the discretion of said commissioners.

SEC. 2. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 14, 1867.

AN ACT

To authorize the commissioners of Anglaize county to levy a tax for paying debts heretofore contracted under the ditch laws of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Anglaize be and are hereby authorized to levy at their March session of 1867, an amount not to exceed four hundred dollars, for the purpose of paying indebtedness heretofore contracted under the ditch laws of Ohio, to be levied on the taxable property of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 16, 1867.

AN ACT

To authorize the commissioners of Auglaize county to levy an additional bridge tax to that now authorized by law.

WHEREAS, It appears by representation made by the county commissioners of the county of Auglaize, that a larger bridge fund is absolutely required for the purpose of renewing the bridges in said county, made necessary by the floods of the past year; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Auglaize be and they are hereby authorized to levy at the March session of said board, for the years 1867 and 1868, a tax for bridge purposes, of not more than one mill in addition to the amount now authorized by law, on the taxable property of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 16, 1867.

AN ACT

To amend section one of an act entitled "an act further to prescribe the duties of the commissioners of Hamilton county," passed April 5, 1866. (O. L. vol. 63, p. 209.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above cited act be so amended as to read as follows :

Section 1. That it shall be lawful for the commissioners of Hamilton county to cause to be constructed a bridge across the White Water River, at or near Callaway's Ford, in White Water township; and to provide for the construction of said bridge, said commissioners are hereby authorized to pay for the same out of the bridge fund of said county.

SEC. 2. That section one of the original act above cited be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

March 16, 1867.

AN ACT

For the relief of Alexander Henderson, treasurer of Bethlehem township, Stark county, Ohio.

WHEREAS, The dwelling house of Alexander Henderson, treasurer of Bethlehem township, Stark county, Ohio, was burglariously entered on the night of the twelfth day of September, 1866, and the bureau containing part of the public money belonging to said township was broken

open, and the sum of seven hundred and fifty dollars of said money stolen therefrom; and,

WHEREAS, The officers and one hundred and fifty tax payers of said township, by their petition to this general assembly, represent that said robbery was not due to any fault or negligence on the part of said Alexander Henderson, and pray that he and his sureties shall be relieved from the payment of said sum of money so stolen; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Bethlehem township, Stark county, Ohio, be and they are hereby authorized to release the said Alexander Henderson and his sureties on his official bond as treasurer of said township, from the payment of said sum of seven hundred and fifty dollars, stolen as above recited; and the said Henderson and his sureties shall not hereafter be held liable to make up said stolen money to said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 20, 1867.

AN ACT

To authorize the stockholders of the Pennsylvania and Ohio Canal Company to abandon, lease or sell any portion or portions of said canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of directors of the Pennsylvania and Ohio Canal Company be and they are hereby authorized and empowered to lease, sell, or abandon such portion or portions of said canal and its appendages as may, in their opinion, be for the interest of said company, and not prejudicial to the public interest, to so lease, sell or abandon, and thereafter the portion or portions so abandoned shall cease to be a public highway or thoroughfare; provided, that such abandonment shall not be construed to release the said Pennsylvania and Ohio Canal Company from any liability or contract incurred or entered into, nor defeat the rights of any person or persons, company or corporation, nor to prevent the collection of tolls, as now authorized by law, upon any portion of said canal not so abandoned.

SEC. 2. Before any action shall be taken by the board of directors under this act, a meeting of the stockholders shall be called, and a vote of a majority of stock shall be necessary to authorize the board of directors to act under the authority conferred by this act. A notice of such meeting shall be published at least thirty days in the counties of Summit, Portage, Trumbull and Mahoning, in the state of Ohio, and in the counties of Lawrence and Beaver, in the state of Pennsylvania, stating the time, place and purpose of such meeting.

SEC. 3. Before abandoning any portion or portions of said canal, said company shall advertise its intention to do so, for four consecutive weeks, in at least one newspaper in each of the said counties of Summit, Portage, Trumbull, Mahoning, Lawrence and Beaver, stating therein what portions of said canal will be, and at what time, abandoned, unless previous thereto

other responsible persons, companies or corporations shall contract and agree to take and keep the same in repair and navigable condition, at their expense and risk, and subject to all damages on account thereof, and save said canal company harmless therefrom; and for the purpose of giving other persons, companies or corporations a reasonable opportunity of leasing, purchasing or contracting to maintain portions of said canal in navigable order, said company may divide said canal into portions or divisions, as follows, to-wit: 1st. From Akron to the Little Cuyahoga feeder, at Middlebury, and including said feeder. 2d. Thence to the lock in the dam of the Cuyahoga river at Franklin, and including the reservoirs in Portage county, with such portions of the feeders and canals as may be required to conduct the water therefrom to said division. 3d. Thence to the crossing of the Cleveland and Pittsburg railroad. 4th. Thence to Warren, in Trumbull county. 5th. Thence to Girard, in Trumbull county. 6th. Thence to the junction with Pennsylvania canals, in Lawrence county; provided, no portion of any division of said canal shall be abandoned for which responsible parties will enter into bonds with said canal company as provided in section three of this act.

SEC. 4. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 20, 1867.

AN ACT

To authorize the board of public works to permit the Miamisburg and Carrolton Hydraulic Company to flow water from the Miami River into the Miami and Erie Canal.

WHEREAS, The Miamisburg and Carrolton Hydraulic Company propose to create an hydraulic privilege for manufacturing use at Carrolton and Miamisburg, in the county of Montgomery; and for that purpose desire to occupy a portion of the Miami and Erie Canal to enable said company to convey water from Carrolton to Miamisburg or some point or points adjacent to Miamisburg; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of public works are hereby authorized and empowered to contract with, and grant to the Miamisburg and Carrolton Hydraulic Company, the right to occupy that portion of the Miami and Erie canal, named in the preamble, for the purpose of conveying water as aforesaid, subject to the provisions, conditions and restrictions, hereinafter provided, and such other conditions as the said board shall deem necessary to preserve and protect the rights of the state in the said canal and the navigation thereof.

SEC. 2. Said contract shall prescribe the time and manner of enlarging the canal, the place and manner of introducing the water and the manner of discharging the same, and the quantity of water which said company may introduce at a place not exposing the canal bank to the liability of a breach.

SEC. 3. That said contract shall bind and obligate the said company to maintain and keep in repair all culverts, embankments, bridges, docks,

regulating weirs, and such other works as the board of public works may deem necessary and proper in bringing the water into use.

SEC. 4. Said contract shall reserve the right to shut off the water of the hydraulic company flowing into the canal at any time when it may be necessary to the making of repairs, and also the right to use so much of the water introduced by the hydraulic company as may at any time be necessary to supply navigation to the Middletown feeder, during the time when the Mad River Feeder of the canal is shut off for the purpose of making repairs; provided such use of the water shall at no one time be for a longer period than thirty days, unless by special agreement, and said hydraulic company shall in no case use or draw the water from the canal so as to reduce the level thereof below the point that may, from time to time, be fixed by the engineer or other officer in charge thereof, or do any other act interfering with or obstructing the navigation of the canal.

SEC. 5. That the hydraulic company shall bear the expense of all repairs which may at any time be required to maintain navigation, and the uniform flow of water for hydraulic use.

SEC. 6. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 20, 1867.

AN ACT

To authorize the board of education of Washington, Guernsey county, Ohio, and territory thereto annexed, to levy a special tax for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* The [That] the board of education of the village of Washington, Guernsey county, Ohio, be authorized to levy a special tax for the years 1867 and 1868, or either of said years, not exceeding three mills on the dollar, on the taxable property of said village, and the territory thereto annexed for school purposes, to liquidate a debt on school-house in said village, and for the payment of services of teachers heretofore rendered.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 20, 1867.

AN ACT

To authorize the commissioners of Marion county to transfer a fund herein named to the bridge fund of said county.

WHEREAS, The county of Marion has paid in full the amount of bonds, with all interest due, on her subscription of stock to the Bellefontaine and

Indiana Railroad Company, and there remains in the treasury an unappropriated surplus belonging to said fund; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Marion county be and they are hereby authorized to transfer said unappropriated surplus belonging to said fund, to the bridge fund of said county, to be expended in the erection and repair of bridges therein.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

March 27, 1867.

AN ACT

To authorize the board of education of the incorporated village of St. Clairsville, Belmont county, to issue bonds to raise money to purchase a site and build a school house in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of St. Clairsville, in Belmont county, and the territory thereunto annexed, as organized under the provisions of an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, for the purpose of purchasing a site and building a school house in said district, is hereby authorized and empowered to issue bonds not exceeding in the aggregate, the sum of twelve thousand dollars, in bonds of not less than fifty nor exceeding five hundred dollars each. Said bonds to bear interest at a rate not exceeding seven and three-tenths per cent. per annum, payable semi-annually. Said bonds to be made payable at such times as said board of education may stipulate therein, not exceeding ten years, and in such amounts as may be justified under the limitations as to amount of levy as hereinafter provided.

SEC. 2. That said bonds shall be issued upon the order of said board of education, and shall be signed by the president and secretary of said board, and shall be made negotiable, and may have such coupons or interest warrants attached thereto as said board of education may direct; provided, that said bonds shall not be disposed of for less than their par value.

SEC. 3. That said board of education is hereby authorized to levy upon the taxable property within said school district, such sums as to enable them to redeem said bonds as the same shall fall due, and such further sums as will enable them to pay the interest accruing on the same and certify such levies to the county auditor of said county; provided, that for the payment of the principal of such bonds, there shall be five equal levies, to be made at such times as the board of education shall determine, the last levy to be made within eight years from the passage of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To authorize certain townships in Holmes county to levy a tax for the purpose of clearing the Killbuck River of drift and other obstructions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Prairie, Hardy and Killbuck townships, of Holmes county, be and they are hereby respectively authorized to levy a tax not to exceed two mills on the dollar of the taxable property of said townships for the purpose of removing drift and other obstructions from the Killbuck River. The money collected in pursuance of said levies to be expended under the supervision of the trustees of their respective townships.

SEC. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To authorize the county commissioners of Stark, Summit and Miami counties to assess an additional tax for bridge purposes.

WHEREAS, It appears by representation made by the county commissioners of the counties of Stark, Summit and Miami, that a larger bridge fund is absolutely required for said counties on account of the late freshet in those localities having washed away many of the bridges; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Stark, the county of Summit and the county of Miami, be and they are hereby severally authorized to assess an additional bridge tax in their respective counties not exceeding one mill on the dollar valuation of the taxable property of the said counties respectively in each of the years 1867 and 1868.

SEC. 2. This act shall be in force on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To authorize the county commissioners of Summit county to levy a tax to build additions to the court house in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Summit county be and they are hereby authorized to build and make such additions and improvements to the court-house in said county as they shall deem best, and as will best subserve the interests of the public, at a cost not exceeding twenty-five thousand dollars.

SEC. 2. That for the purpose of carrying out the provisions of this act, and to provide for the payment of the costs and expenses of the aforesaid improvements to said court house, said commissioners are hereby authorized to raise, by taxation upon the real and personal property of said county, whatever sum may be needed for said purpose, not exceeding the aforesaid aggregate amount of twenty-five thousand dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed March 29, 1867.

AN ACT

To amend section three of "an act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes," passed February 8, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the "act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes," passed February 8, 1848, be amended so as to read as follows:

Section 3. That the said commissioners be and they are hereby authorized, so soon as the said road shall be put in repair and fit for use, to erect one or more toll-gates on the said road, at such point or points as may be deemed advisable by them, and collect tolls from all persons traveling on the said road, or any part of the same, at the rates hereinafter specified; provided, that such persons shall be exempted from paying tolls as are exempted by the eleventh section of the act to provide for the regulation of turnpike companies, passed January 7, 1817, saving persons carrying the public mails of the United States, who shall pay tolls as provided hereinafter, and also saving that said commissioners be authorized to collect at any gate on said road, within five miles of the city of Cincinnati, from all persons driving funeral carriages, or other vehicles, attending funerals over said road, at the same rate they are now authorized by law to charge on similar carriages and vehicles, except from the person or persons driving the hearse and the first four accompanying carriages.

SEC. 2. That section three of the original act to which this is amendatory be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 3, 1867.

AN ACT

To authorize the commissioners of Ottawa county, Ohio, to levy a tax to rebuild a bridge destroyed by floods.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ottawa county, in the state of Ohio, be and

they are hereby authorized to levy an additional tax, in the year 1867, on all the taxable property within the limits of said county, not exceeding the sum of ten thousand dollars, for the purpose of rebuilding the bridge over the Portage river at Elmore, recently destroyed by floods.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To transfer the military commutation fund in Hancock county to the infirmary fund for the purpose of purchasing land whereon to erect a county infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hancock county be and they are hereby authorized to appropriate all or any part of the military commutation fund belonging to said county, as to them may seem proper, to be used and expended in the purchase of lands and the erection of a county infirmary house for the use of said county, in pursuance of the law regulating purchasing of land and erecting county infirmaries.

SEC. 2. This act to be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 3, 1867.

AN ACT

To authorize the commissioners of Portage county to levy additional taxes for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Portage county are hereby authorized to levy in the years 1867 and 1868, at their June session in each year, an additional tax of one half mill on a dollar on the taxable property of the county for bridge purposes, in addition to the tax now authorized by law.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 3, 1867.

AN ACT

To authorize the trustees of the township of Elyria, Lorain county, to borrow money and issue bonds to aid in the erection of a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Elyria, in the county of Lorain, in order to anticipate the levies of 1867 and 1868 for erection of town hall, are hereby authorized to borrow the sum of six thousand dollars, and to provide for the payment of the same to issue the bonds of said township, for said sum, bearing interest at the legal rate at the time of issuing the same, payable one-half in one year, and one-half in two years from their date.

SEC. 2. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 3, 1867.

AN ACT

To authorize the county commissioners of Fayette county to levy additional taxes for bridge and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Fayette county are hereby authorized to levy, in addition to the taxes now authorized by law, for the year A. D. 1867, a sum not exceeding one mill on the dollar of the taxable property of said county for bridge purposes, and a sum not exceeding one mill on the dollar for general county purposes.

SEC. 2. This act to take effect upon its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 3, 1867.

AN ACT

To secure to school section sixteen, of Green township, Hamilton county, due credit for proceeds from the sale of said section.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized and directed to examine and adjust the account between section sixteen, Green township, Hamilton county, being town two, range two, Miami purchase, so that the full amount of the purchase money, and interest thereon, be allowed duly credited and paid to the section aforesaid, in accordance with the proceeds from the sale thereof, paid over by the treasurer of said township for said section, as treasurer thereof, to the officer or officers named

in the law providing for the sale thereof, and the payment and transmission of the proceeds into the state treasury.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 8, 1867.

AN ACT

To authorize the commissioners of Warren county to levy a tax to build a county infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Warren county, Ohio, be and they are hereby authorized to levy a special tax of not to exceed two mills on the dollar of taxable property in said county, for the year 1867, in addition to other levies authorized by law, for the purpose of building a county infirmary in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 8, 1867.

AN ACT

To authorize the trustees of Spencer township, Hamilton county, to purchase additional ground for the enlargement of town hall lot, and to apply certain money in the treasury to pay therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of Spencer, county of Hamilton, be and they hereby are authorized to purchase ground adjoining the town hall lot in said township, to be used for the purpose of enlarging said lot, and they are further hereby authorized to apply any money raised for the purpose of paying bounties, now in the treasury of said township, to pay therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 8, 1867.

AN ACT

For the relief of Samuel Gordon.

WHEREAS, On the second Monday of December (14th), A. D. 1863, at a sale of lands and town lots forfeited to the State of Ohio for non-payment of taxes, held at Troy, in Miami county, Ohio, there was sold by the auditor of said county, lot number eighty-three (83), in the city of Piqua,

therein, being the property of Samuel Gordon, at and for the sum of \$1,203.14, that being the amount of taxes and penalty assessed thereon, which sum was received by the auditor of said county, and by him duly paid over in its respective proportions to the state and county treasuries; and,

WHEREAS, It is alleged that a very large portion of the sum of \$1,203.14 taxes and penalty assessed upon said property as aforesaid was illegal, and ought of right and justice to be paid to said Gordon, but which is refused to be done for alleged want of legal authority; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be directed and required to examine into said alleged claim of said Gordon, and if he shall find that said Gordon has paid illegal taxes as penalty or otherwise, to draw his warrant on the state treasurer for the amount of such illegal taxes or penalty as may have been paid into the said state treasury or gone to the credit of the state.

SEC. 2. That the auditor of Miami county be directed and required to ascertain what portion of said illegal taxes or penalty was paid into or went to the credit of the county treasury for any and all purposes whatsoever, and to draw his warrant therefor (with interest from the time of such payment or credit), upon the county treasurer of said county, who is required to pay the same out of any surplus or unexpended funds in the county treasury.

SEC. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 10, 1867.

AN ACT

To change the bounds of Union and Salem townships, in Warren county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That that portion of Union township, in Warren county, lying within the metes and bounds hereinafter described, be and it is hereby detached from Union township and attached to Salem township, to wit: Beginning at a point on the Little Miami River at the mouth of Hall's creek, and running in a northwardly direction with the meanderings thereof, to a line dividing the lands of Elijah Travilla and Peter Drake, and thence due north to the Turtle Creek township line; thence east with said line to the Little Miami River, thence down said river with the meanderings thereof to the place of beginning.

SEC. 2. That the commissioners of the county shall proceed without delay, after the passage of this act, to give notice of the change of said bounds through some newspaper having general circulation in the county, and cause a plat of the territory herein described, with its geographical relations to the territory to which it is hereby annexed, to be made and filed with the auditor of the county.

SEC. 3. This act shall take effect and be in force on and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

To authorize the commissioners of Holmes county to levy a special tax to repair the state road leading west from the town of Millersburgh, and situate in Washington township, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Holmes county be and they are hereby authorized to levy a special tax of one thousand dollars on the taxable property in said county, in the year 1867, in addition to the other levies authorized by law, for the purpose of repairing and improving that part of the state road leading west from the town of Millersburgh, which is situate in the township of Washington, in said county, so that that portion of said road may be protected from the overflow of the Mohecan River.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

To authorize the trustees of Spencer township, Hamilton county, to levy a tax for the relief of the poor of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Spencer township, in the county of Hamilton, in addition to their other powers of taxation, be and they are hereby authorized to assess and collect on the grand levy of the taxable property of said township annually, a tax not exceeding one quarter of a mill on the dollar, to be applied to the relief of the suffering poor of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

To authorize the board of education of the city of Marietta to borrow money for the purpose of building a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Marietta, in Washington county, are hereby authorized to borrow a sum of money, not exceeding five thousand dollars, for the purpose of building a school house in said city.

SEC. 2. And for the purpose aforesaid, the said board of education are

hereby authorized and empowered to issue bonds, signed by the president and secretary of said board, in sums of not less than one hundred nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per centum per annum, and payable at any time within five years, at the discretion of said board; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. The said board of education are empowered to levy a tax, annually, upon all the taxable property of said city sufficient to pay the interest on all of said bonds and the principal of those falling due on the year succeeding such levy, which shall be placed on the duplicate by the auditor of the county and collected as other taxes levied by said board, and it shall not be lawful to appropriate any portion of said funds for any other purpose than for which it was levied.

SEC. 4. This act shall take effect on and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

To authorize the commissioners of Coshocton county to build a bridge over the Walhonding River, at or near Fry's Ford, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Coshocton county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property within the limits of said county, sufficient to build a bridge across the Walhonding River, at or near Fry's Ford, in said county; provided, that before the said commissioners shall levy said tax, the trustees of Bethlehem township, in said county, shall raise, by voluntary contributions, or by a tax levied on the taxable property of said township, or by both, a sum to be agreed upon by the commissioners and trustees aforesaid, to aid in the erection of said bridge.

SEC. 2. The trustees of said Bethlehem township are hereby authorized to certify to the county auditor the amount so agreed upon to be raised by tax, which shall be levied and collected as other taxes are levied and collected, and applied by the county commissioners in the erection of said bridge and for no other purpose.

SEC. 3. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 10, 1867.

AN ACT

To authorize the board of education of the incorporated village of Barnesville and territory annexed for school purposes, to borrow money and to levy taxes for the purpose of enlarging school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio!* That the board of education of the incorporated village of Barnesville,

and territory annexed for school purposes, in the county of Belmont, be and hereby is authorized to borrow a sum of money not exceeding three thousand dollars, at a rate of interest not exceeding the legal rate, to be expended in the enlargement of the school building of said incorporated village, and said board of education is hereby authorized to issue bonds for the amount of said money so borrowed, the principal and interest of said bonds to be made payable at such times and in such proportions as said board of education may stipulate therein. To pay the bonds which may be issued under the provisions of this act, and the interest on the same as they become due, said board of education is hereby authorized to levy a tax on all the taxable property of said incorporated village and territory annexed for school purposes, sufficient to pay the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 10, 1867.

AN ACT

To authorize the board of education of Liverpool, Columbiana county, to borrow money and issue bonds therefor to build a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the board of education of Liverpool union school district of Columbiana county, are hereby authorized to borrow a sum of money not exceeding twenty thousand dollars, for the purpose of building a school house in said district.

SEC. 2. For the purpose aforesaid, the said board of education are hereby authorized and empowered to issue bonds, signed by the president and secretary of said board, in sums of not less than one hundred nor more than one thousand dollars each, bearing interest at a rate not exceeding eight per centum per annum, and payable at any time within five years, at the discretion of said board; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. The said board of education are empowered to levy a tax annually, upon all the taxable property of said school district, sufficient to pay the interest on all of said bonds and the principal of those falling due on the year succeeding such levy, which shall be placed on the duplicate by the auditor of the county, and collected as other taxes levied by said board; and it shall not be lawful to appropriate any portion of said funds for any other purpose than for which it was levied.

SEC. 4. This act shall take effect on and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 11, 1867.

AN ACT

Supplementary to an act passed March 11, 1863, "To authorize the board of education of the incorporated village of Wellington, Lorain county, Ohio, to issue bonds to raise money to purchase a site or sites and build a school-house or school-houses in said village."

WHEREAS, The legal voters of the village of Wellington, Lorain county, have duly approved of said original act by an election as therein provided for; and,

Whereas, said board of education have proceeded to borrow and raise money for the aforesaid purpose; and,

Whereas, the said sum of ten thousand dollars is insufficient for said purpose; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said board of education of the incorporated village of Wellington are hereby authorized to borrow an additional sum, not to exceed ten thousand dollars, in the manner provided for in the second section of the act to which this is supplementary, or if said board of education shall deem it best, they may raise said money or any part thereof by an additional tax, to be levied upon the taxable property of said village, of not more than three mills on the dollar in each of the years 1867 and 1868.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

• *Speaker pro tem. of the House of Representatives.*

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 11, 1867.

AN ACT

To unite sub-school districts numbers five and ten, Harrison township, Montgomery county, into one school district, and to extend the provisions of a certain law thereto.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio,* That sub-school districts five and ten, as bounded and designated by the school plat of Harrison township, Montgomery county, now on record in the auditor's office of said county, be and they are hereby united into one school district, and the provisions of the act entitled "an act for the better regulation of the public schools in cities, towns, &c.," passed February 21st, 1849, and all acts and parts of acts amendatory or supplementary thereto, be extended to this school district.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 11, 1867.

AN ACT

To authorize the commissioners of Hamilton county to levy a tax for the opening and grading of an avenue extending from Martin street in the city of Cincinnati, to Crawfish Creek, in Spencer township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, in addition to their other powers of taxation, be and they hereby are authorized to assess and collect upon the grand levy of the taxable property of said county a tax not exceeding three-quarters of a mill on the dollar, of which not more than one quarter of a mill shall be assessed in any one year, to be applied to the opening and grading of an avenue extending from Martin street, in the city of Cincinnati, through the seventeenth ward of said city to Crawfish Creek, in Spencer township, of said county; provided, that so much of said tax as shall be expended on that portion of said avenue, situated within the corporate limits of said city shall be expended by and under the direction and supervision of the board of city improvements of said city.

SEC. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem, of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 12, 1867.

AN ACT

To authorize the board of education of the incorporated village of Middleport, Meigs county, Ohio, to levy a tax and borrow money for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of education of the incorporated village of Middleport, Meigs county, Ohio, and the territory thereto annexed for school purposes, be and are hereby authorized to levy a tax in addition to that now levied under existing laws, sufficient to raise a sum not exceeding fifteen thousand dollars, as follows: one-fourth in the year 1867, one-fourth in 1868, one-fourth in 1869, and one fourth in 1870, for the purpose of liquidating a debt incurred in building a school house in said village, and to finish the same, which tax shall be placed on the tax duplicate and collected as other taxes.

SEC. 2. That in anticipation of the tax provided for in the foregoing section of this act, said board of education may borrow a sum of money not exceeding fifteen thousand dollars, at a rate of interest not exceeding eight per cent.

SEC. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 12, 1867.

AN ACT

For the relief of James Johnston.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state is hereby authorized and required to audit and settle the account of James Johnston, for repairs done by him on the Miami canal by authority and under the direction of the state engineer and board of public works, by allowing to said James Johnston, the sum of four hundred and thirty-eight dollars and ninety-two cents (\$438 92-100), and the said auditor of state is hereby authorized to draw his warrant on the treasurer of state in favor of said James Johnston, for that sum, payable out of any moneys appropriated for that purpose.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 13, 1867.

AN ACT

To authorize the trustees of Lanier township, Preble county, to levy a tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Lanier township, Preble county, be and they are hereby authorized to levy a tax, not to exceed two thousand dollars, on all the taxable property within the limits of said township, to assist in building a free bridge across Banta's Creek, where the free turnpike crosses said creek, south of West Alexandria; and said trustees shall certify the amount necessary to be raised to the county auditor, who shall place the same upon the tax duplicate, to be collected as other taxes are collected, and paid to the proper township officers, to be expended for the purpose for which it was created.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate,

April 13, 1867.

AN ACT

To authorize the commissioners of Montgomery county to erect a building to contain court rooms and county offices, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county are hereby authorized to levy a special tax of not more than one-third of one mill on the dollar of the valuation on the grand duplicate of property in said county in any one year, and to continue such levy not more than nine years.

SEC. 2. The proceeds of such tax shall be exclusively applied to the

erection of a building on the vacant lot next north of the court house, in the city of Dayton, to be known as the Soldiers' Memorial Building, the ground floor of which shall be divided into business rooms of such number and dimensions as the commissioners of the county shall deem best, the second floor into court rooms and county offices, and the third floor into one or more public halls and suitable ante-chambers.

SEC. 3. The commissioners of said county shall have power to rent and execute leases for a term of not more than five years, of the business rooms, and to let the halls above provided for, but shall reserve the right to the use of at least one of said halls, at all times, for any public meeting in their judgment of general interest to the citizens of the city of Dayton or county of Montgomery, and no charge shall ever be made for its use for the purpose of such meeting, except such an amount as may be required to pay the expense of opening, cleaning and lighting the same for such meeting.

SEC. 4. The revenues arising from the leases and rents of said building, after deducting the necessary expenses of superintendence and repairs, shall constitute a fund for the relief of the necessities of the widows and orphans of soldiers and marines who died in the service of the United States during the late rebellion, and shall be paid and disbursed on the order of the said commissioners; and any balance of such fund remaining on hand at the close of the fiscal year may, in the discretion of the commissioners, be transferred and applied to the support of the "Children's Home;" provided, that no compensation shall be allowed, and no per centage charged by any officer or person, for any service rendered under the provisions of this section.

SEC. 5. The said commissioners shall cause to be erected or otherwise placed in the walls of one of the halls above provided for, any decent tablet or other fitting monument presented by any military organization raised in whole or in part in said county, to the memory of any member or members of such organization who may have died in actual service in the late war against the rebellion, or afterwards from wounds or disease contracted in such service, and shall provide suitable cases for the preservation of flags, arms or other trophies which may be presented for such purpose.

SEC. 6. The said commissioners are hereby authorized to contract for the erection of said building, according to such plan and estimates as they may have agreed upon, at a cost not to exceed one hundred thousand dollars, and to let the same to the lowest responsible bidder; or, in their discretion, they may employ a suitable person to superintend the erection of the building, at a salary of not more than five dollars per day, and purchase materials and contract for labor for the erection and completion of the said building.

SEC. 7. The commissioners may anticipate the proceeds of the levy above authorized, by borrowing the surplus of any fund except the school fund, to be paid back with interest, or they may issue bonds bearing legal rate of interest, payable at such periods and for such amounts as may be in accordance with the preceding provisions of this act.

SEC. 8. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 13, 1867.

AN ACT

To provide for the erection of a pest house in or near Alliance, Stark county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Stark county are hereby authorized to secure by lease, donation or purchase a suitable lot, lots or piece of land, in or near the incorporated village of Alliance, in said county, and to erect thereon a building to be used mainly as a hospital for contagious diseases. They may also furnish the same in such manner as to secure the comfort and proper treatment of those who may become its inmates.

SEC. 2. To enable said commissioners to execute the provisions of this act, they are hereby authorized to appropriate from the poor fund of said county an amount sufficient for the purposes named in the foregoing section, not exceeding the sum of three thousand dollars.

SEC. 3. The infirmary directors of said county shall have the general management of said hospital when completed, and the same shall be subject to such lawful rules and regulations as they may prescribe. They shall provide for the reception and care therein of paupers, chargeable to said county, who may be afflicted with contagious diseases. They may also provide for the admission of other persons suffering from disease upon such terms and under such conditions as they may deem proper. They may also place such hospital temporarily under the immediate supervision and control of the trustees of Lexington township in said county.

SEC. 4. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 13, 1867.

AN ACT

To authorize the trustees of Reiley township, Butler county, Ohio, to sell and convey certain lands belonging to said township, and invest the proceeds for the use of the same.

WHEREAS, Said township has inherited certain lands therein, and no general law exists giving them power to sell and convey the same as desired by the vote of the citizens thereof; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Reiley township, Butler county, Ohio, be empowered to sell and convey the farm known as the "township farm" in said township, and invest the proceeds of the same for the benefit of the township.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 13, 1867.

AN ACT

To authorize the board of education of the incorporated village of Galion, school district number nine, Crawford county, to borrow money, purchase a site, and erect a school house, and to sell and dispose of the present school house and site in said school district number nine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of district number nine, Galion union school of the incorporated village of Galion, in Crawford county, be and they are hereby authorized and empowered to purchase a site and erect thereon a school house, at a cost not to exceed forty thousand dollars.

SEC. 2. For the purpose of providing funds to pay for said site and school house, the said board are hereby authorized and empowered to issue their bonds in sums of not less than one hundred nor more than five hundred dollars each, bearing interest at the legal rate, payable annually, for the full amount of forty thousand dollars, payable in equal installments, in one, two, three, four and five years, and redeemable at the pleasure of said board; provided, that said bonds shall not be disposed of in any case for less than their par value.

SEC. 3. That for the redemption of such bonds, when the same shall fall due, said board of education shall have power, and is hereby authorized to levy on all taxable property within said union school district number nine, of Galion, such amount annually, in addition to the levy for the support of schools therein, as will meet the payment of the principal of the bonds that shall fall due each year, respectively; and also a sum sufficient to pay the interest falling due annually on all bonds so issued.

SEC. 4. The said board of education is hereby authorized to sell at public auction, to the highest responsible bidder, the present school house and site in said village, and apply the proceeds thereof in payment of the bonds by this act authorized to be issued; provided, that before offering the same for sale, it shall be the duty of the said board to cause the same to be appraised by three responsible freeholders of said village, neither of whom shall be a member of said board, who shall, before appraising the same, take and subscribe an oath impartially to appraise the same at its true value in money, and shall immediately file with the clerk of said board a report in writing of their appraisal, together with their oath; and said board shall cause a notice of the time and place of such sale to be published for four consecutive weeks in a newspaper, published in said county of Crawford; provided further, that said property shall not be sold for less than two-thirds of the appraised value thereof; and, provided further, that the same may be sold for cash in hand, or for one-third cash in hand, one-third in one year, and one third in two years from day of sale, the deferred payments to be secured by mortgage on the premises, and to bear interest at the legal rate.

SEC. 5. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed April 13, 1867.

AN ACT

To repeal section four of an act passed March 26th, 1864, entitled an act to authorize the city of Toledo to enter upon and occupy a part of the Miami and Erie Canal as a public highway, and for sewerage and water purposes. (O. L. Vol. 61, page 67.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the above named act in the following language: "This act shall not be construed to confer upon said city any new sources of taxation or to borrow money, or to contract debts in the use as aforesaid of said canal," be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 13, 1867.

AN ACT

For the relief of T. L. Finney, treasurer of Johnston township, Trumbull county.

WHEREAS, The safe of T. L. Finney, treasurer of Johnston township, Trumbull county, was burglariously broken open on the night of August 3d, 1866, and the sum of three hundred and two dollars of the funds of said township stolen therefrom, which said sum so stolen has been paid by said treasurer to said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Johnston township, Trumbull county, be and they are hereby authorized to cause to be levied upon the taxable property of said township, a tax sufficient in amount to refund to said Finney the said sum of three hundred and two dollars.

SEC. 2. This act shall take effect on its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 13, 1867.

AN ACT

To authorize the trustees and board of education of Grafton township, Lorain county Ohio, to levy a tax to build a school-house and town hall.

WHEREAS, The qualified electors of Grafton township, Lorain county, Ohio, at the late annual election held on the first Monday of April 1867, voted to build a town hall in said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township of Grafton, in Lorain county, Ohio, be and they are hereby authorized to levy a tax upon the taxable property of said township of not exceeding three mills on the dollar, for each

of the years 1867 and 1868, which shall, when collected, be used for the purpose of purchasing a site and building a town hall and school-house, and for no other purpose whatever.

SEC. 2. The board of education of the township of Grafton, Lorain county, are hereby authorized to levy a tax of not more than three mills on the dollar on the taxable property of said township, for the years 1867 and 1868, which tax, when collected, shall be used by said board of education, in connection with the trustees of said township, in building a school-house and town hall, and for no other purpose.

SEC. 3. The township trustees and the board of education of said township of Grafton, Lorain county, Ohio, shall each certify to the county auditor of said county the amount of tax necessary, not exceeding the amount specified in the first and second sections of this act, which shall be entered upon the duplicate and collected in like manner as other taxes are collected.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 15, 1867.

AN ACT

To provide for locating, establishing and constructing ditches and drains in Hog Creek Marsh, in Hardin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hardin county, Ohio, shall have power at any regular or called session, whenever in their opinion the same is demanded by or will be conducive to the public health, convenience or welfare, to cause to be located, established and constructed, as hereinafter provided, such ditches, drains or water courses, within and from said Hog Creek Marsh as may be necessary to the thorough drainage thereof.

SEC. 2. That before the commissioners of said county shall take any steps toward locating or establishing such ditches, drains or water courses, there shall be filed with the county auditor a petition from one or more persons owning lands within or adjacent to said marsh giving a general description of the proposed starting point, routes and terminus of such ditches, drains and water courses; and said person or persons shall at the same time file a bond not less than thirty dollars per mile of the supposed length thereof, with good and sufficient sureties, to the acceptance of the county auditor, conditioned to pay all expenses incurred, in case the county commissioners shall refuse to grant the prayer of the petition, or fail to establish said proposed ditches, drains or water courses; and it shall be the duty of the auditor immediately thereafter to place a correct copy of said petition in the hands of a competent surveyor and engineer, who shall thereupon take to his aid the necessary assistance and proceed to make an accurate survey and level of the route (or as near the route as may be practicable) of such proposed ditches, drains or water courses, and on completion thereof shall return a plat and profile of the same to the said county auditor, and shall also set forth in his return

a definite description of the proposed routes, their availability and necessity, with a description of each quarter section of land, how it will be affected thereby, and its situation and level, as compared with adjoining lands, the distance on each land owner, the approximate amount of land in acres to be benefited by such ditch, drain or water course, the depth of excavation and the dimensions of said proposed drains, at least every one hundred feet in length, and fix a grade line and specify the manner in which the work should be done, the necessary flood-gates, water-ways, bridges and farm-crossings, together with such other facts and suggestions as he may deem material; it shall be the duty of the county auditor, immediately on said report being filed, to cause notice of the same, the pendency and the prayer of said petition, and the time set for the hearing thereof by the county commissioners, at which time they will establish the same; also to make an apportionment of the costs and expenses of making said location, to be given by publication for four consecutive weeks in some newspaper published or of general circulation in said county.

SEC. 3. That any person or persons claiming compensation for lands appropriated, or who shall sustain any damage by the constructing of any ditch, drain or water course, under the provisions of this act, shall make his, her or their application in writing therefor, to the county commissioners, and file the same with the county auditor, on or before the day set for the hearing of the petition, and on failure to make such application shall be deemed and held to have waived his, her or their right to such compensation and damages.

SEC. 4. That said county commissioners, at the time set for the hearing of said petition, and the apportionment of the costs and expenses of locating, and the labor of constructing said ditch, drain or water course, shall, if they find the requirements of the second section of this act to have been complied with, proceed to hear and determine said petition, examine the report of the surveyor and engineer, and view the premises, and if they find such ditch, drain or water course, or any part thereof, to be necessary, and that the same has been properly located, and is demanded by or will be conducive to the public health, convenience or welfare, they shall proceed to establish such ditch, drain or water course, or any part thereof, as specified in the report of the surveyor and engineer, and the costs and expenses of making the location thereof, shall be paid out of the county treasury, from the general fund, on the order of the county auditor; and the said county commissioners shall divide such ditches, drains or water courses into suitable sections, not less in number than the number of owners of the land through or adjacent to or in the vicinity of which the same may be located, shall mark the boundaries of and number such sections progressively down stream, and shall prescribe the time and manner in which the work upon such sections shall be performed. If any application or applications for compensation for land appropriated or damages sustained as aforesaid, shall have been made, the proceedings of the county commissioners shall not be delayed thereby; provided, that no work be done upon, and no part be appropriated, of the lands of said applicant or applicants, until said claims be adjudicated upon, and if found lawful, be adjusted. On the making of such application or applications, the county auditor shall forthwith certify to the probate judge of said county a copy of said application or applications, together with a description of the property sought to be taken or injured, as contained in the return of the surveyor and engineer, which shall be forthwith docketed

by said probate judge, styling the applicant or applicants, plaintiff or plaintiffs, and the county commissioners, defendants; and such proceedings shall thereupon be had, to assess and determine the amount of compensation and damages of such claimant or claimants, as are authorized and required by the act entitled "an act to provide for compensation and damages to the owner or owners of private property appropriated to the use of corporations or the good and welfare of the public," passed April 30th, 1852, and the acts amendatory thereof and supplementary thereto, so far as the same may be applicable; provided, that if said application or applications be refused, said claimant or claimants shall pay all costs and expenses of such application or applications, including fees of auditor, probate judge and so forth; and the compensation and damages so found and assessed in favor of said claimant or claimants, shall be immediately certified by said probate judge to the county auditor, and paid out of the county treasury from the general fund, on the order of said county auditor.

SEC. 5. The county auditor shall cause notice to be given of the time and place of letting, and of the kind and amount of work to be done upon said sections, and the time fixed by the commissioners for its completion, by publication for thirty days in some newspaper printed, or of general circulation in said county, and at the time and place specified shall let the work upon said sections respectively, at public auction, to the lowest bidder therefor; and the person or persons taking such work at such letting, shall, on the completion thereof, according to the specifications of the county commissioners, be paid for such work out of the county treasury, upon the order of the county auditor; provided, that if any person or persons to whom any portion of said work shall be let as aforesaid, shall fail to perform said work, the same shall be let by the county auditor in the manner hereinbefore provided.

SEC. 6. That the county commissioners shall make an equitable apportionment of the costs, expenses, fees and compensation for property appropriated which shall accrue and be assessed and determined under this act, among the owners of the land to be benefitted by the location and construction of such ditch, drain or water course, in proportion to the benefit to each of them, through, along the line of, or in the vicinity of whose land the same may be located and constructed respectively; and the same shall be levied upon the lands of the owners so benefitted in said proportions, and collected in the same manner as other taxes are levied and collected for county purposes; and the said commissioners shall make a like equitable apportionment of the costs of construction of such ditches, drains and water courses, which shall be levied by the county auditor upon the lands of owners benefitted by such construction, by entering upon the tax duplicate of said county the proportions fixed and determined by the county commissioners, in installments, during two, three or four years, as follows, viz: the first installment in the year next preceding the constructing of the ditch, drain or water course; the second installment in the year next following the first; the third in the year next following the second, and so on; provided, that if for any reason no work be done on said ditch, drain or water course in any year or years, the levying of the installment or installments for said year or years shall be postponed until the next year or years in which the construction of the said ditch, drain or water course be begun or continued; and said taxes shall be collected in the same manner as other taxes are collected for county purposes.

SEC. 7. That all costs, expenses, costs of construction, fees and compensation for property appropriated (except fees, costs and expenses incurred in the investigation and adjudication of any unsuccessful application for compensation for property appropriated or for injuries, these fees, costs and expenses being borne by the applicant or applicants) which shall accrue and be assessed and determined under this act, shall be paid out of the county treasury, from the general fund on the order or certificate of the county auditor; provided, that no part of the same, except the compensation for property appropriated and the fees of the surveyor and engineer, auditor, commissioners and probate judge, shall be paid out of the county treasury till the sum shall be levied and collected as prescribed in sections five, six and seven of this act.

SEC. 8. That on the completion of any ditch, drain or water course, or any portion or section thereof, located, established and constructed under the provisions of this act, the same shall be accepted and received by the surveyor and engineer, who shall give the person doing the work, a certificate setting forth that said portion or section of said ditch, drain or water course has been completed according to the specifications and directions of the commissioners of said county, and said person shall file said certificate with the county auditor, retaining a true copy thereof, certified and signed by said auditor, and it shall be the duty of each and every person owning land through which or adjacent to which said ditch, drain or water course has been located, established and constructed, for himself, his heirs and assigns, forever to keep the same open and in good repair, through or adjacent to his, her or their own said lands; and on failure or neglect so to do, it shall be lawful for any person feeling injured or aggrieved thereby, to notify the person (if he be a resident of said county), or his agent (if he be a non-resident), suffering said ditch, drain or water course to fill up or get out of repair on his, her or their said land, and if the person neglects, fails or refuses to open, clean and repair the same, then the person injured and aggrieved shall file grievances with the county auditor, whose duty it shall be to order the supervisor of the district within the boundaries of which said ditch, drain or water course is to be repaired, to repair the same; and he (the auditor) may, if the nature of the case require it, order out a competent surveyor and engineer to examine the premises thus complained of, who shall report the condition of the same to the said auditor, and the amount expended by the supervisor in repairing said ditch, drain or water course, shall be certified to the county auditor by said supervisor, and said auditor shall give said supervisor and surveyor and engineer severally, a certificate for the amount of their services, and the county auditor shall enter the amount of said certificates thus given for the repairing of said ditch, drain or water course, together with the treasurer's per cent. and legal interest upon the tax duplicate of said county, against the tract or lot of land upon which said ditch, drain or water course was repaired; and the same shall be collected by the county treasurer the same as other taxes, and paid over by him to the person or persons holding said certificates.

SEC. 9. That the county auditor shall keep a full and complete record of all proceedings had in each case under this act.

SEC. 10. That the fees of the county auditor, and the fees of the county commissioners, and the fees of the probate judge under this act, shall be the same as are provided by law in like services in other cases; the surveyor and engineer shall be allowed three dollars per day for the time he may be necessarily employed, and six and one-fourth cents per mile mile-

age for each time he may be required to go and return from the place of the location of the said ditch, drain or water course by the usual route of travel; provided, that all the expenses of the chainmen, axmen, rodmen and other necessary assistance and incidental expenses are paid as follows: Each chainman and axman, one dollar per day; rodman, one dollar and twenty-five cents per day. The expense of drawing the original petition and filing the same with the county auditor must be paid by the petitioner or petitioners, and not go into the general cost bill. All cost bills shall be examined and signed by the commissioners of said county.

SEC. 11. The said county commissioners may, when any ditch, drain or water course located and established under this act, crosses any public or corporated road, or any railroad, if they are of the opinion that the same will be benefited and the road-bed or traveled track will be made better by the opening and constructing of any such ditch, drain or water course, apportion or set off to the county, if a county or state road; to the township, if a township road; to the company, if a corporated or railroad, a portion of the costs and expenses, and also a portion of the costs of construction, the same as to private individuals, according to the provisions of this act, and compel them to pay said costs and cost of construction in like manner.

SEC. 12. That the provisions of this act shall be applicable to the ditching, draining and keeping in good repair section sixteen, situated in said marsh, while the same remains township property, and the trustees of Washington township, in said county, where said section sixteen is situated, may file the petition and bond required by section two of this act.

SEC. 13. That wherever the words "ditch," "drain" or "water course" occur in this act, the same shall be understood to embrace and include any side or lateral ditches necessary to secure the objects and purposes for which any main ditch, drain or water course may be made, which shall be considered as part of said main ditch, drain or water course.

SEC. 14. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 15, 1867.

AN ACT

Legalizing a sale made by the commissioners of Champaign county, of certain railroad stock which belonged to said county, and the transfer of the proceeds of said stock to the building fund of said county.

WHEREAS, The commissioners of Champaign county did, on or about the 21st day of March, in the year 1866, transfer by sale, to Joseph G. Young, five hundred and sixty-four shares of stock in the Columbus, Piqua and Indiana railroad company, at \$25 per share, amounting to \$14,100; and,

WHEREAS, There are doubts entertained as to their legal authority to make said transfer; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That this general assembly hereby legalizes the action of the county

commissioners of Champaign county in the sale of five hundred and sixty-four shares of stock in the Columbus, Piqua and Indiana railroad, to Joseph G. Young, on the 21st day of March, in the year 1866, for \$25 per share, amounting to \$14,100.

SEC. 2. That the commissioners of Champaign county are hereby authorized to transfer said sum of \$14,100 to the building fund of said county.

SEC. 3. That this act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 15, 1867.

AN ACT

To authorize the commissioners of Hamilton, Clermont and Warren counties to build a free bridge across the Little Miami river at Loveland, in Clermont county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the board of commissioners of Hamilton, Clermont and Warren counties are hereby authorized to build a free bridge across the Little Miami river at Loveland, Clermont county, Ohio, at a cost not exceeding twenty-five thousand dollars, and on such terms and conditions as the said commissioners may agree to.

SEC. 2. That the commissioners of said counties are hereby authorized to levy a tax upon the real and personal property of said counties to enable them to build said bridge.

SEC. 3. That when said bridge is built, the commissioners of said counties shall keep the same in repair.

SEC. 4. That the act entitled "an act to authorize the commissioners of Hamilton, Clermont and Warren counties to build a free bridge across the Little Miami river at Loveland, in Clermont county, Ohio," passed April 6, 1866, be and the same is hereby repealed.

SEC. 5. This act shall be in force on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 15, 1867.

AN ACT

Further to prescribe the duties of the commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That it shall be lawful for the commissioners of Hamilton county to cause to be constructed a bridge across Mill creek, at the mouth of Cummin's run, in Mill Creek township, and to provide for the payment of the cost

of construction of such bridge; and said commissioners are hereby authorized, in addition to their other powers of taxation, to levy a tax therefor upon the real and personal property returned upon the grand levy of said county, not exceeding the one-eighth of one mill.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 15, 1867.

AN ACT

To authorize the county commissioners of the counties of Clermont and Hamilton to purchase the Milford bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the counties of Clermont and Hamilton be and they are hereby authorized to purchase the toll bridge across the Little Miami river at Milford, Ohio, at a cost not exceeding twenty-five thousand dollars, for the purpose of making the same free.

SEC. 2. That said commissioners are hereby authorized to levy a tax on the taxable property of said counties for the purpose of raising said sum of twenty-five thousand dollars, with which to make said purchase.

SEC. 3. That after the purchase of said bridge, as provided for in this act, it shall be kept in repair at the joint and equal expense of said counties of Clermont and Hamilton.

SEC. 4. That this act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 15, 1867.

AN ACT

To amend an act entitled "an act to authorize the board of education of the incorporated village of Van Wert, Van Wert county, to borrow money for purposes therein named," passed April 5, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Van Wert, Van Wert county, and the territory thereto annexed for school purposes, be empowered to borrow money, not exceeding thirty thousand dollars, for the purpose of building a union school-house and purchasing a site therefor.

SEC. 2. That for the purposes aforesaid, said board of education are empowered to issue bonds, signed by the president and secretary of said board, in sums of not less than fifty nor more than five hundred dollars each, bearing interest payable semi-annually, at a rate not exceeding eight per

centum, and payable in one, two, three, four, five, six, seven and eight years, respectively, in equal amounts, and redeemable at the pleasure of said board; provided, that said bonds shall not be disposed of for less than their par value; and provided further, that the board of education as aforesaid, shall, previous to issuing any bonds for the purpose contemplated in this act, call a meeting of the legal voters of said incorporated village of Van Wert, and territory thereto annexed for school purposes, by posting, at least ten days previous to each [such] meeting three or more notices in the most public places therein, in which notices the amount proposed to be issued of said bonds shall be distinctly stated. At the said meeting the president or some member of the board of education shall preside, and receive the votes, on which shall be indorsed "for the bonds," or "against the bonds;" and a majority of the votes cast shall determine whether or not said board of education shall have power to issue bonds.

SEC. 3. That the original sections one and two of the act to which this is amendatory be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To authorize the trustees of the township of Hinkley, Medina county to levy a tax to build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Hinkley, in the county of Medina, are hereby authorized to levy a tax, not to exceed three mills on the dollar valuation of the taxable property of said township, for the purpose of building a town hall; provided, that no such levy shall be made until approved by a majority of the legal voters of said township at an election called for that purpose.

SEC. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

Amendatory of an act entitled "an act to authorize the commissioners of Ross county to build a bridge over the Scioto river southeast of Chillicothe," passed March 5, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one and two of said act be so amended as to read as follows:

Section 1. That the commissioners of Ross county be and they are hereby authorized and empowered to build a bridge over the Scioto

river at some point between a place on said river known as the "Narrows," and the Marietta and Cincinnati railroad bridge. The site to be selected by said county commissioners within the limits aforesaid; and for the purpose of constructing the same, they are hereby authorized to expend any sum not exceeding thirty-five thousand dollars.

Section 2. For the purpose of defraying the expenses of the construction of said bridge, the commissioners of said county are hereby authorized to levy for the year 1867 an additional tax, not exceeding thirty five thousand dollars, to the levy now authorized by law for bridge purposes, and to be collected as other taxes.

SEC. 3. That sections one and two of said original act be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To authorize the sale of certain school lands situate in Jackson township, Pike county, Ohio, and in township 7 of range 20.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of surveyed township No. 7, of range 20, situate in Pike and Ross counties, are hereby authorized and empowered to sell all lands that may have heretofore been granted to said township in lieu of section 16 for school purposes, in the same manner as is now provided by law for the sale of section 16.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To authorize the board of education of the incorporated village of Westerville, and territory annexed for school purposes, to borrow money and to levy taxes for purpose of building a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Westerville, and territory annexed for school purposes, in the county of Franklin, be and hereby is authorized to borrow a sum of money not exceeding five thousand dollars, at a rate of interest not exceeding eight per cent per annum, to be expended in the building of a school house for the said incorporated village, and said board of education is hereby authorized

to issue bonds for the amount of money so borrowed, the principal and interest of said bonds to be made payable at such times and in such proportions as said board of education may stipulate therein. To pay the bonds which may be issued under the provisions of this act, and the interest on the same as they become due, said board of education is hereby authorized to levy a tax on all the taxable property of said incorporated village and territory annexed for school purposes, sufficient to pay the same.

SEC. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To repeal an act entitled "an act for the relief of Samuel Ketchum, treasurer of Coshocton county." (Stat. 1859, page 279.)

WHEREAS, Samuel Ketchum, late treasurer of Coshocton county, in March, A. D. 1859, represented to the general assembly, that he was and had been, on or about the twenty-first day of January, of that year, violently overpowered whilst in the discharge of his duties, and the treasury of said county robbed of a large amount of public moneys without the fault or complicity of said treasurer; and,

WHEREAS, The said general assembly relying on the said statement and representation, was thereby induced to and did pass the above entitled act for the relief of said treasurer; and,

WHEREAS, It now appears, from the confession of said Ketchum, that the said pretended robbery was committed by his connivance, concurrence and complicity, and that the passage of said act was procured by his false representation and fraud; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said above entitled act be and the same is hereby repealed, and the release and discharge of the said Ketchum and his sureties from the obligations of his official bond and his settlement with and discharge by the auditor of state, and his settlement and discharge by the other authorities, corporations and boards in the said act mentioned, are hereby declared fraudulent and void, saving, however, to the state and to said authorities, corporations and boards respectively, all actions or rights of actions existing against said Ketchum or his confederates, under or by virtue of the act so repealed.

SEC. 2. And the state shall have and maintain against the said Ketchum, and all others who advised, aided or participated with him in abstracting the moneys aforesaid from the said treasury, or knowingly received the fruits of said crime, a joint or several actions as it may elect for the whole amount thereof, which action may be brought or maintained at the instance of the attorney general in the appropriate court in Franklin county for such portion of said funds so abstracted as belonged to the state at large, and for the residue may be brought and maintained in the

appropriate court in Coshocton county, or the whole thereof may be joined in one action in either of said counties, as the attorney general may direct.

SEC. 3. Every such action may be brought and maintained at any time within ten years from the passage of the act herein repealed, anything in the code of civil procedure to the contrary notwithstanding, and this act shall apply to any pending action or existing right of action against such parties, but shall not be construed to prejudice or prevent an action against the said Ketchum and his sureties on his official bond, but said sureties shall be entitled to the benefit of any sum or sums made against the said Ketchum and his confederates less the costs and expenses thereof.

SEC. 4. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To authorize the commissioners of Henry and Lucas counties to make an additional levy for county purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Henry and Lucas counties are hereby authorized and empowered to increase the levy one-half mill on the dollar valuation of the taxable property of Henry and Lucas counties for county purposes.

SEC. 2. This act to take effect from its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To change the boundaries of Pleasant and Miami township, in Logan county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of Pleasant township, in Logan county, as lies between the Miami River on the west, and the center of the track of the Bellefontaine and Indiana railroad on the east, and south of a line drawn east and west through the most northerly point of the corporation limits of the village of DeGraff, extending to said river and railroad, be and the same is hereby detached from the said Pleasant township and annexed to the township of Miami in said county.

SEC. 2. That the commissioners of the county shall proceed without delay, after the passage of this act, to give notice of the change of said boundaries, through some newspaper having general circulation in the county, and cause a plat of the territory herein described, with its geo-

graphical relation to the territory to which it is hereby annexed, to be made and filed with the auditor of the county.

SEC. 3. This act shall take effect and be in force on and after its passage.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

AN ACT

To amend an act entitled an act for the support and better regulation of public schools in the city of Columbus, passed February 3, A. D. 1845, and the acts amendatory and supplementary thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section second of the act entitled "an act for the support and better regulation of public schools in the city of Columbus, 'passed February 3, 1845, be so amended as to read as follows:

Section 2. The said directors, within ten days after the second Monday in April of each year, shall meet and organize by choosing from their number a president and secretary, and the said directors so organized and qualified, and their successors in office, shall be a body politic and corporate in law, by the name of the board of education of the city of Columbus, and as such, and by said name, shall be authorized to receive all moneys accruing to said city or any part thereof for the use and benefit of the public schools in said city, and the same board shall be capable of contracting and being contracted with, suing and being sued, and pleading and being impleaded in any court of law in this state, and also be capable of receiving any gift, grant, donation, or devise made for the use of the public schools in said city.

SEC. 2. That section second of an act entitled an act to amend an act entitled an act to amend an act for the support and better regulation of public schools in the city of Columbus, passed February 3d, 1845, and the act amendatory thereto passed February 16th, 1849, passed April 11th, 1865, be so amended as to read as follows:

Section 2. That on or before the first Monday in June, in each year, said board shall certify to the county auditor, of Franklin county, the sum which, in addition to the amount received from the state school fund, will be necessary for the purposes specified in the preceding section, and also to defray the other expenses of the public schools in said city; and said auditor shall cause the said sum to be levied upon the taxable property of said city, and the same shall be collected as other school taxes are or may be; provided, however, that said sum so reported shall not exceed, in any one year, five (5) mills on the dollar of the valuation of the taxable property of said city; and, provided further, that after A. D. 1868, said sum so reported shall not exceed, in any one year, four (4) mills on the dollar of the valuation of the taxable property of said city.

SEC. 3. The treasurer of Franklin county shall be ex-officio treasurer of the board of education of the city of Columbus, and as such shall receive and have the custody of all moneys by him collected, or to him paid from any source whatever, for the use and benefit of the public

schools in the city of Columbus, and shall pay out said money only upon the order of the said board of education, signed by the president and countersigned by the secretary. He shall make out and transmit to the board of education of said city, between the first and fifteenth days of September, in each year, a statement of the moneys by him received or to him paid for the use of the public schools in said city, specifying the sources from which said moneys were received, and the amount from each, also the amount paid out upon the order of the board, as provided for in this act, said statement to include the year commencing with the first day of September in the preceding year, and ending with the last day of August in the current year.

SEC. 4. Sections second and third of the act entitled an act to amend an act entitled an act for the support and better regulation of public schools in the city of Columbus, passed February 3d, 1845, passed February 16th, 1849, section two of the act entitled an act for the support and better regulation of public schools in the city of Columbus, passed February 3d, 1845, and the act amendatory thereto passed April 11th, 1865, be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage, and any person now holding the office of treasurer of the board of education of said city of Columbus, shall immediately settle with and pay over and transfer to said treasurer of Franklin county all moneys in his possession or under his control as said treasurer of the board of education.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

AN ACT

To authorize the commissioners of Shelby county, Ohio, to build a jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Shelby county, Ohio, be and they hereby are authorized to build a jail at such point at the county seat in said county, as in their judgment, may be deemed the best for the public good, at a cost not exceeding fifteen thousand dollars.

SEC. 2. To enable the commissioners to carry into effect the provisions of this act, they are hereby authorized, in addition to the levies now authorized by law, to levy an additional tax on the taxable property in said county sufficient for the object of this act, and not exceeding fifteen thousand dollars in the aggregate.

SEC. 3. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. MCBURNEY,
President of the Senate.

Passed April 16, 1867.

AN ACT

For the relief of Charles Rule.

WHEREAS, The memorial of Charles Rule, praying for the payment of one thousand two hundred and fifty-five dollars and thirty-three cents, being balance due him for marble work done on state house, has been found, after investigation by the committee on claims, to contain a just and valid claim against the state; said committee being further convinced in the correctness of their conclusion by the action of the senate committee on claims in 1863, who, after a full and careful investigation of said claim, unanimously reported in favor of the same, said report being accompanied by bill which passed the senate; and,

WHEREAS, Said amount still remains due and unpaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state is hereby authorized and required to audit and settle the account of Charles Rule, for marble work done by him on the state house by virtue of a contract heretofore entered into between the said Charles Rule and the state house commissioners, by allowing to said Charles Rule the sum of one thousand two hundred and fifty-five dollars and thirty-three cents, and the said auditor of state is hereby authorized to draw his warrant on the treasurer of state in favor of said Charles Rule for that sum, for which purpose there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the said sum of one thousand two hundred and fifty-five dollars and thirty-three cents.

SEC. 2. This act shall take effect from and after its passage.

ED. A. FARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 16, 1867.

OFFICE OF THE SECRETARY OF STATE, }
COLUMBUS, O., May 5, 1867 }

[I hereby certify that the foregoing local laws are correctly copied from the original rolls on file in this office.

WM. HENRY SMITH,

Secretary of State.

JOINT RESOLUTIONS.

JOINT RESOLUTION,

Relative to the appointment of a committee to wait on the governor and inform him that the two houses of the general assembly are ready to receive any communication he may wish to make.

Resolved by the General Assembly of [the State of] Ohio, That a joint committee consisting of three on the part of the house, and two on the part of the senate, be appointed to wait on the governor and inform him that the two houses of the general assembly are now in session, with a quorum present, and ready to receive any communication he may wish to make.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

January 2, 1867.

JOINT RESOLUTION,

Relative to a joint convention to canvass votes for state officers.

Resolved by the General Assembly of the State of Ohio, That the two houses of this general assembly meet in joint convention in the hall of the house of representatives, on Friday January fourth, at ten and a half o'clock A. M., to count the votes cast for state officers at the election held on the second Tuesday of October last.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

January 4, 1867.

JOINT RESOLUTION,

Relative to renovating the halls of the senate and house of representatives.

Resolved by the General Assembly of the State of Ohio, That the standing committees on public buildings, of the senate and house of representatives, be and hereby are instructed to inquire into the expense and propriety of having the walls of the senate chamber and house of representatives whitened and put in thorough repair.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

January 10, 1867.

JOINT RESOLUTION,

Relative to an amendment of the constitution of the United States.

WHEREAS, The general assembly has received official notification of the passage by both houses of the thirty ninth congress of the United States, at its first session, of the following proposition to amend the constitution of the United States, by a constitutional majority of two-thirds thereof, in the words following, to wit :

" Joint Resolution proposing an amendment to the constitution of the United States.

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the constitution, namely :

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty one years of age in such state.

SEC. 3. No person shall be a senator or representative in congress, or elector of president or vice president, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any state, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of

any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article."

AND, WHEREAS, Three-fourths of the legislatures of the states composing the United States are required to give assent to the said proposed amendment to the constitution of the United States, before it becomes a part thereof; therefore,

Resolved by the General Assembly of the State of Ohio, That we hereby ratify, on behalf of the state of Ohio, the above recited proposed amendment to the constitution of the United States.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of Ohio to the President of the United States, to the presiding officer of the United States Senate, and the Speaker of the United States House of Representatives.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Adopted January 11, 1867.

JOINT RESOLUTION,

Relative to the regimental flag of the 9th regiment O. V. I.

Resolved by the General Assembly of the State of Ohio, That the superintendent of the state house is hereby authorized and directed to deliver to the Hon. G. Tafel the regimental flag of the ninth regiment Ohio Volunteer Infantry, to be used at the approaching anniversary of the battle of Mill Springs, to be returned after such use.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

January 23, 1867.

JOINT RESOLUTION,

Relative to publishing the proceedings of the general assembly.

1. *Be it resolved by the General Assembly of the State of Ohio*, That a reporter be elected by each branch of the general assembly, whose duty it shall be to prepare concise reports of the proceedings of the houses, respectively, including the names of members absent without leave, on a "call of the house," and also the names of members voting "yea" or "nay," copies of which reports shall be furnished daily by them to the reporters or correspondents of such daily papers of the state of Ohio as may desire the use of the same for publication, free of charge.

2. *Resolved*, That the reporters so employed by each house, shall be

paid at the rate of three dollars per day for the period so employed, out of the funds appropriated for the payment of the expenses of the general assembly.

ED. A. PARBOTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed January 24, 1867.

JOINT RESOLUTION,

Relating to the Soldiers' Home.

WHEREAS, The board of managers of the National Asylum for disabled volunteer soldiers, have decided to locate the central asylum in the valley of the Ohio, and which will probably be located in this state;

AND, WHEREAS, The executive committee of said board, charged with the duty of determining said location, propose visiting this state early in February next to select it;

AND, WHEREAS, Said asylum will, when in operation, care for all disabled Ohio soldiers not already provided for in the asylum for regulars at Washington City; therefore,

Be it resolved by the General Assembly of the State of Ohio, That a committee, to consist of two members of each house, be appointed to meet and co-operate with said committee, in conjunction with the trustees of the Ohio Soldiers' Home, and that said legislative committee and trustees be authorized and instructed to assure the managers of the National Asylum for disabled volunteer soldiers, through their executive committee, of the willingness of this general assembly to donate to said asylum, for its use and benefit, the buildings, personal property, and any unexpended balance of appropriations, and the temporary use of the land now occupied by the Ohio Soldiers' Home, on condition that the National Asylum, or a branch thereof, shall be located within this state, and that it shall admit and care for all disabled Ohio volunteer soldiers.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
H. S. MARTIN,
President pro tem. of the Senate.

February 4, 1867.

JOINT RESOLUTION,

Relative to the appointment of a committee to administer oaths and take testimony in certain cases.

Resolved by the General Assembly of the State of Ohio, That so much of the adjutant general's report as relates to local bounties be referred to a joint committee of three, to be appointed by the speaker of the house of representatives, and two by the president of the senate, which committee shall have power to send for persons and papers, administer oaths and take testimony. Shall fully investigate all the matters complained of in

the said report, under the head of local bounties, and shall report at an early day the result of their investigation, with their recommendations.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

H. S. MARTIN,

President pro tem. of the Senate.

February 4, 1867.

JOINT RESOLUTION,

Relative to the sale of silver coin in the state treasury.

Resolved by the General Assembly of the State of Ohio, That the treasurer of state is hereby authorized to sell the silver coin in the state treasury, in lots or parcels to suit purchasers, at not less than the market price when sold; and that the premium received for the same be placed to the credit of the general revenue fund, and that the treasurer file with the auditor of state a bill of sale thereof.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNAY,

President of the Senate.

February 21, 1867.

JOINT RESOLUTION,

Relative to inviting General Phil. H. Sheridan to visit the general assembly.

WHEREAS, Major General Phil. H. Sheridan is now at his home in this state; therefore, be it

Resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the senate, and five on the part of the house, be appointed to wait on him and earnestly invite him to visit the capital and the legislature, that we may each personally take him by the hand and express to him the gratitude which all loyal hearts feel for his splendid and noble services to his country in crushing the late rebellion.

That the governor be requested to accompany and act with the committee.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNAY,

President of the Senate.

Passed February 21, 1867.

JOINT RESOLUTION,

Relative to printing of certain reports.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and is hereby authorized to have printed the following numbers of each of the following documents, including those already printed, viz :

Report of the adjutant-general, 4,500 copies : 2,000 copies for the adjutant-general, 2,500 for the general assembly.

Report of the quartermaster-general, 2,000 copies : 500 copies for the quartermaster-general, 1,500 copies for the general assembly.

Report of the comptroller of the treasury, 1,300 copies : 300 for the comptroller, 1,000 for the general assembly.

Report of the commissioner of soldiers' claims, 500 copies : 200 copies for the commissioner, 300 copies for the general assembly.

Report of the state military agent at Washington, 1,000 copies : 500 copies for the use of the agent, 500 copies for the general assembly.

Report of the supervisor of public printing, 500 copies : 200 copies for the supervisor, 300 copies for the general assembly.

Report of the auditor of state in German, 2,000 copies : 200 copies for the auditor, 1,800 copies for the general assembly.

Report of the central Ohio lunatic asylum, 300 copies extra for the use of the asylum.

Report of the southern Ohio lunatic asylum, 300 copies extra for the use of the asylum.

Report of the asylum for idiots, 300 copies extra for the use of the asylum.

Report of the secretary of state, 1,200 copies in English extra, for the use of the secretary of state, and 2,000 copies in German : 1,500 copies for the use of the general assembly, and 500 copies for the use of the secretary.

Report of the commissioner of statistics, 5,000 copies in English, 1,000 copies in German, bound in muslin : one hundred copies for the commissioner, 300 copies for state library, and remainder to be distributed among the members of the general assembly, with the agricultural report, and upon the same basis as to English and German copies as is provided for that report.

Five hundred copies of the report of the Ohio State Pomological Society, as included in the appendix to the report of the state board of agriculture for the year 1866 ; no extra charge to be made for composition, said copies to be for the use of that society.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 9, 1867.

JOINT RESOLUTION, .

Relative to authorizing the governor to pay Gen. D. W. H. Day for services collecting claims.

WHEREAS, At the adjournment of the Ohio legislature in 1866, there was standing suspended against the state of Ohio, in the settlement of accounts with the United States government, the sum of three hundred

and thirty-one thousand two hundred and twenty dollars and three cents (\$331,220.03,) for defects and informality in vouchers for transaction of the commissary and quartermaster's departments of the state during the early part of the war, for the correction and settlement of which and for other duties, it was deemed necessary by the governor to accept and retain the services of Gen. D. W. H. Day ; and,

WHEREAS, By this means one hundred and eighty-seven thousand and nine dollars and thirty-three cents (\$187,009.33) of the amount so suspended has been settled and passed to the credit of the state, and much done towards securing the settlement of the balance of the same. Now, therefore, be it

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to pay any sum not exceeding two thousand dollars, out of his extraordinary military contingent fund to Gen. D. W. H. Day, for his services as heretofore set forth ; provided, that the said Gen. D. W. H. Day shall perform the business of the quartermaster general's office until the 1st of April next without any additional compensation.

And provided, that this resolution shall in no manner continue the quartermaster-general's salary after the first of April next.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 9, 1867.

JOINT RESOLUTION,

Relative to printing S. B. No. 116.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and is hereby requested to furnish two thousand printed copies of the act relating to roads and highways, known as S. B. No. 116, at his earliest convenience for distribution to the several counties of this state.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

Passed March 11, 1867.

JOINT RESOLUTION,

Relative to the purchase of additional land for the Reform Farm.

WHEREAS, It is considered desirable to secure for the benefit of the Reform School from fifty to one hundred acres or more of good meadow and corn lands in the neighborhood of that institution, provided it can be obtained at a reasonable price, therefore, be it

Resolved by the General Assembly of the State of Ohio, That the acting

commissioner, G. E. Howe, together with two other suitable persons, to be appointed by the governor, shall be a committee on the part of the state, to advertise in the papers of Fairfield county, and to receive proposals for the sale of any such lands to the state, and to examine the lands offered, and to report to the next general assembly, whether in their opinion, it is best to purchase any of the lands so offered, and if so, which and what portion thereof.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed March 11, 1867.

JOINT RESOLUTION,

Relative to transportation of soldiers who may hereafter be admitted to the Soldiers' Home.

Resolved by the General Assembly of the State of Ohio, That the directors of the Ohio Soldiers' Home be and are hereby instructed to furnish transportation to all disabled soldiers who shall hereafter be admitted to receive the benefits of the Home from the residence or home of such disabled soldiers to the Ohio Soldiers' Home.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

March 12, 1867.

JOINT RESOLUTION,

Relative to printing and distributing the general laws of this session.

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and required to have the general laws of this session of the legislature printed, under existing contracts, as soon as possible after enactment, in forms of sixteen pages, and that he cause three thousand copies of the same to be distributed as follows: Two copies to each member of the general assembly and the remainder he shall distribute to the county auditors of the senatorial and representative districts in proportion to the number of the members of the general assembly therefrom, unless otherwise directed by said members; said copies to be furnished out of the twenty-five thousand copies directed to be printed by law.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

March 12, 1867.

JOINT RESOLUTION,

Relative to the portraits of the governors of Ohio.

Resolved, That the secretary of state be and is hereby required to ascertain and report to the general assembly of the state of Ohio, on the first Monday of January next, whether the portraits of the governors of Ohio, state and territorial, can be procured, and if so, whether original portraits or copies, and the probable expense of procuring such portraits for the governor's office.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 16, 1867.

JOINT RESOLUTION,

Relative to the letting of convict labor.

Resolved by the General Assembly of the State of Ohio, That the directors of the Ohio penitentiary be directed to suspend the letting of contracts for the convict labor under their control, until this general assembly shall have disposed of the substitute for S. B. No. 198.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 20, 1867.

JOINT RESOLUTION,

Relative to the inmates of the Deaf and Dumb Asylum.

Resolved by the General Assembly of the State of Ohio, That the speedy abandonment of the asylum for the deaf and dumb by the inmates now in health, and of those now sick who may regain their health, until the new building shall have been completed, as advised by the officers in charge of the asylum, is necessary and advisable.

Resolved, That the officers of the asylum, for their assiduous care and attention to the sick, and their prompt efforts in transmitting those in health to their respective homes, deserve the thanks of this general assembly.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

March 27, 1867.

JOINT RESOLUTION,

Relative to printing 1000 copies of Senate Bill No. 235.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and required to cause to be printed in pamphlet form, in advance, 1,000 copies of senate bill number 235, as passed, 500 for the use of members of the general assembly, and 500 to distribute to the several county auditors.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 3, 1867.

JOINT RESOLUTION,

To republish the law of auctions and auctioneers.

WHEREAS, The law relating to auctions and auctioneers on pages 56, 57, 58, 59, 60 and 61, of Swan's Statutes, edition of 1854, entitled an act regulating sales at auction, passed March 18, 1840, is omitted in Swan and Critchfield's Statutes; and

WHEREAS, As the same is an existing and valid statute, not having been reprinted; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby required to bring forward said act and publish the same with the laws passed this session of the legislature.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 3, 1867.

JOINT RESOLUTION,

Relative to an amendment of the Constitution providing for the extension of the elective franchise.

Resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each House agreeing thereto, That it be and is hereby proposed to the electors of this State to vote, at the next annual October election, upon the approval or rejection of the following amendment as a substitute for the first section of the fifth article of the constitution of this state, to-wit: Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward in which he resides, such time as may be provided by law, except such persons as have borne arms in support of any insurrection or rebellion against the government of the United States, or have fled from their places of residence to avoid being drafted into the military service thereof, or have deserted the military or naval service of said government in time

of war, and have not subsequently been honorably discharged from the same, shall have the qualifications of an elector, and be entitled to vote at all elections.

ED. A. PARROTT,
Speaker of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

Passed April 6, 1867.

JOINT RESOLUTION,

Relative to building a free turnpike road from the Reform School to the city of Lancaster.

Resolved by the General Assembly of the State of Ohio, That the acting commissioner of the Ohio Reform School, in Fairfield county, be and is hereby authorized to employ all the available force at his command, including the boys now or who may hereafter be in said institution, at such time and in such manner as not to interfere with ordinary and necessary works on the farm connected therewith, in constructing a free turnpike road from said reform farm to the city of Lancaster. The labor to be so performed by said commissioner on said turnpike road shall in no case exceed in value the sum of fifteen hundred dollars; nor shall he hire any additional labor for the purpose of aiding in the construction of said turnpike road.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ANDREW G. McBURNEY,
President of the Senate.

April 10, 1867.

JOINT RESOLUTION,

Confirming the transfer of the Ohio Soldiers' Home to the trustees of the National Asylum for disabled volunteers.

WHEREAS, The trustees of the National Asylum for disabled volunteer soldiers have signified their acceptance of the terms upon which the transfer to them of the Ohio Soldiers' Home was proffered by resolution of the general assembly heretofore passed; and,

WHEREAS, in accordance with such resolution, the trustees of the Ohio Soldiers' Home have transferred the possession of the premises, chattel property and unexpended balance of appropriation for current expenses already made; therefore,

Be it Resolved by the General Assembly of the State of Ohio, That the action of the trustees of the Ohio Soldiers' Home, in making the transfer aforesaid, is hereby fully confirmed, and the trustees of the National Asylum for disabled volunteer soldiers are authorized to retain the temporary use of the lands and premises with the appurtenances occupied lately by the Ohio Soldiers' Home, until they shall have reasonable time for the preparation of a new and permanent asylum within this state,

agreeably to the terms and conditions of the resolution of this assembly, passed February 4, 1867.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed April 10, 1867.

JOINT RESOLUTION,

Directing the extension of the lease of the public works of the state of Ohio.

Be it Resolved by the General Assembly of the State of Ohio, That the governor of the state of Ohio be and he is hereby authorized and directed to extend the lease of the public works of the state provided for in an act entitled "an act to provide for leasing the public works of the state," passed May 8, 1861, to Kent Jarvis, Thomas Moore, Joseph Cooper, Charles Parrott and William J. Jackson, the present lessees thereof, for the further term of ten years, commencing at the expiration of the term granted in the existing lease, reserving to the state the right to resume charge of the Western Reserve and Maumee Road, or make any other disposition thereof, with all rights, tolls, privileges and estate therein at any time during the period of such extended term fully released and discharged from the claims of such lessees under the lease herein provided for, without affecting, reducing or impairing the conditions, rents and provisions of such lease; that is to say, for the further term of ten years from and after the first day of June, A. D. 1871, upon the same conditions, and for the same rent reserved, and with the same rights, powers and privileges as to said extended term that are contained in the existing lease and the said act of May 8, 1861, except as otherwise herein provided as to the term thereby created; and for and during such extended term, the state and said lessees and their assigns respectively, shall have the same rights, powers and privileges, and be subject to the same conditions, restrictions and limitations in all respects, as are provided by law in the existing lease, as to the term thereby created; and to carry this resolution into effect, the governor is hereby authorized and directed to execute and deliver, under the great seal of the state, unto said Kent Jarvis, Thomas Moore, Joseph Cooper, Charles Parrott and William J. Jackson, the said lessees, such lease or assurance as may be necessary and proper; and the bond for two hundred thousand dollars provided in section two of the act above named, shall cover and include the extended term herein provided for, if such term shall be created; provided, the lessees aforesaid shall notify the governor previous to June 1st, 1867, of their acceptance of the provisions hereof, and shall make and deliver a new bond according to the provisions of said act and of this resolution, which bond shall be renewable every two years, as required in said act.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed April 11, 1867.

JOINT RESOLUTION,

Relative to the collection of claims against the general government.

Resolved by the General Assembly of the State of Ohio, That the adjutant general is hereby authorized and required to prepare for collection, and present to the proper department at Washington, all unsettled military or other claims of the state of Ohio against the general government, and to certify all money or drafts received on account of such claims into the state treasury, to the credit of the general revenue fund.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 11, 1867.

JOINT RESOLUTION,

Relative to the Hon. Wm. Hooper.

WHEREAS, When the exigencies and the financial interests of the state required, the Hon. W. Hooper, at great sacrifice of his business, and solely for the public good, accepted, and with fidelity, ability and self-sacrifice, performed the responsible duties of treasurer of state, for the unexpired term of Hon. G. Volney Dorsey, resigned; therefore,

Resolved by the General Assembly of the State of Ohio, That the thanks of the people of the state of Ohio, through her senators and representatives, are hereby tendered to Hon. William Hooper, of Hamilton county, for the personal sacrifice with which he accepted, as well as the great ability and fidelity with which he has performed the duties of said office.

Resolved, That the governor is hereby requested to forward to the Hon. Wm. Hooper a copy of the foregoing resolution.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 12, 1867.

JOINT RESOLUTION,

Relative to the claim of Messrs. Hall, Stafford & Co.

Be it resolved by the General Assembly of the State of Ohio, That the claim of Messrs. Hall, Stafford and Company, for the sum of five thousand three hundred and fifty-one dollars and fifty-three cents, for material furnished by them for the building of a blacksmith shop in the prison yard of the Ohio penitentiary, is just and reasonable and ought to be paid; and that the finance committee of the house be and they hereby are instructed to include the same in the general appropriation bill.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

April 13, 1867.

JOINT RESOLUTION,

Relative to damages caused by the overflow of the canals in this state.

Resolved by the General Assembly of the State of Ohio, That for the purpose of information relative to the matters complained of in sundry petitions, the board of public works be and they are hereby directed to investigate and report in their next annual report:

1st. At how many points on the line of the public works damage is occasioned by overflow of water caused by insufficient culverts and aqueducts.

2d. At what point, in their opinion, it would be to the interest of the state to increase the height of the canal banks to prevent damage to private property.

3d. What redress or remedy can be properly given to parties living in Paulding county for alleged damage from leakage from the canal.

4th. Specifying in each case the location, nature and extent of the improvement required and the estimated cost of each.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 13, 1867.

JOINT RESOLUTION,

Relative to the Western Reserve and Maumee stone road.

Resolved by the General Assembly of the State of Ohio, That the board of public works be and they are hereby instructed to inquire into the condition of the Western Reserve and Maumee stone road, and whether illegal tolls have been charged by the lessees for travel thereon, and if upon examination and inquiry they find that said road has not been kept in repair by said lessees as required by their contract, said board of public works are hereby instructed to enforce the contract with said lessees and have the needed repairs made without unnecessary delay.

ED. A. PARROTT,

Speaker of the House of Representatives.

ANDREW G. MCBURNEY,

President of the Senate.

April 13, 1867.

JOINT RESOLUTION,

Relative to instructing the Board of Public Works to assess damages done to Davis Johnson and others.

Resolved by the General Assembly of the State of Ohio, That the board of public works be and they are hereby directed to cause a view and assessment of the damages if in the opinion of the appraisers any such damages have been sustained by Davis Johnson, by the construction of the Loramie reservoir; by John McDonald, in the construction and management of the waste weir in the west embankment of the Mercer county

reservoir; and by Wm. Slough, by the vacation and removal of lock number 13 in the Wabash and Erie Canal, and that the assessment of the appraisers be reported to the next session of the general assembly.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Passed April 13, 1867.

JOINT RESOLUTION,

Relative to the *sine die* adjournment of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That this general assembly will adjourn sine die on Wednesday, the 17th day of April, 1867, at nine o'clock A. M.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Adopted April 15, 1867.

JOINT RESOLUTION,

Requesting the Governor to appoint a day for thanksgiving and prayer.

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized and requested, in the course of the present year, to issue his proclamation designating a day of public thanksgiving and prayer to Almighty God for His continued blessings vouchsafed to the people of Ohio.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ANDREW G. McBURNEY,

President of the Senate.

Adopted April 15, 1867.

JOINT RESOLUTION,

Relative to damages sustained by George Harsh, of Massillon, Ohio.

WHEREAS, Representations have been made to this general assembly that George Harsh, of Massillon, Ohio, has sustained damages by the raising of the upper level of the water in the Ohio Canal at that place beyond the original level, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the board of public works be directed to forthwith investigate and ascertain

whether the water in said level has been raised beyond the original level, and if so, when and by whom, and to cause the same to be kept down to said level according to the original design.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

April 16, 1867.

JOINT RESOLUTION,

Relative to refunding taxes on national bank shares.

Resolved by the General Assembly of the State of Ohio, That the auditor of state is hereby requested to ascertain what amount of taxes should have been paid by the shareholders of the national banks of Ohio, under the decision of the supreme court of this state in the case of James A. Frazer, et. al., v. S. W. Seiburn, auditor, and O. W. Nixon, treasurer of Hamilton county, at the recent term of said court, and by remission of taxes semi-annually on the duplicate, repay to each shareholder any excess of taxes he may have heretofore paid; and in cases where the stock has been transferred or shall hereafter be transferred before such repayment in full, the auditor of state shall repay the excess of state taxes received from such shareholders, from the fund appropriated to refund taxes illegally collected.

Resolved, That the attorney general shall assist the auditor of state in the performance of his duties under the preceding resolution.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Adopted April 16, 1867.

JOINT RESOLUTION,

Authorizing the governor to furnish a room for the commissioner of railroads.

Resolved by the General Assembly of the State of Ohio, That the governor be and is hereby authorized to assign a suitable room or rooms, not already occupied, in pursuance of a resolution or law of this general assembly, to the use of the commissioner of railroads, and to furnish the same, and defray the expense thereof out of the governor's contingent fund.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Adopted April 17, 1867.

JOINT RESOLUTION,

Relative to the distribution of Gholson & Okey's Digest.

Resolved by the General Assembly of the State of Ohio, That the secretary of state shall cause copies of Gholson & Okey's Digest, authorized to be purchased by joint resolution of this general assembly, when received to be distributed as follows, to-wit: To the offices of governor, attorney general, comptroller of the treasury, one copy each; state library, law library and auditor of state, one copy; clerk of the supreme court and probate courts of each county, one copy; judges and clerks of the court of common pleas, superior court and police court, each one copy, and the balance of such Digests shall be retained and taken care of by the secretary of state in the same manner as is provided by law for the custody and care of Swan & Critchfield's Statutes.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

Passed April 17, 1867.

JOINT RESOLUTION,

Relative to missing local bounties.

Be it resolved by the General Assembly of the State of Ohio, That the adjutant general of the state of Ohio be and he is hereby authorized and required to examine into the matter of missing local bounties, which were paid by provost marshals or recruiting officers, to receiving officers at Camp Chase, Ohio, at Tod Barracks, and that he be authorized to settle and adjust all such matters with the general government, when he shall find that money has been paid to United States officers, which has not been paid to the recruits by reason of their desertion, or by reason of error, neglect or fraud on the part of such United States officers, and that he be authorized to examine the accounts of pay agents of the state of Ohio, and of any other parties who received money by authority of the state of Ohio for recruits at said recruiting stations, and to collect by suit or otherwise, all moneys arising from such local bounties which he may find to be in the hands of such pay agents or other parties. For the purposes hereinbefore stated, the adjutant general is hereby authorized to send for persons and papers, administer oaths and take testimony. The adjutant general shall make a report of his action under this resolution in his annual report, and make such recommendations as he may deem necessary.

ED. A. PARROTT,
Speaker of the House of Representatives.
 ANDREW G. MCBURNEY,
President of the Senate.

April 17, 1867.

OFFICE OF THE SECRETARY OF STATE, }
 COLUMBUS, O., May 9, 1867. }

I hereby certify that the foregoing joint resolutions are correctly copied from the original rolls on file in this office.

WM. HENRY SMITH,
Secretary of State.

TIMES OF HOLDING COURTS IN OHIO, FOR 1867.

OFFICE OF THE SECRETARY OF STATE,
Columbus, O., May 9th, 1867.

The following list of the times of holding the district courts, and courts of common pleas, in the state, for the year 1867, is published for the information of the judiciary and the bar. The dates in some of the districts appear as they were fixed by the judges, and in others as provided for by enactments of the general assembly.

WM. HENRY SMITH,
Secretary of State.

FIRST DISTRICT.

District Court.

Hamilton county, April 15; October 7.

Common Pleas.

Hamilton, January 7; June 3; November 4.

SECOND DISTRICT.

District Court.

Miami, April 23; Montgomery, April 25; Butler, April 29; Preble, May 9; Darke, May 13; Champaign, May 16; Clarke, May 20; Greene, May 22; Warren, May 27; Clinton, May 29.

Common Pleas.

Butler, February 12, June 3, October 14,
Preble, March 11, June 17, November 11.
Miami, February 12, June 3, October 14.
Champaign, March 11, June 17, November 11.
Darke, April 2, July 15, December 9.
Greene, February 12, June 3, October 14.
Warren, February 12, June 3, October 14.
Clinton, March 11, July 15, November 11.
Clarke, March 11, June 17, November 11.
Montgomery, April 2, June 17, December 9.

THIRD DISTRICT.

District Court.

Logan, August 26; Hardin, August 24; Marion, August 28; Union, August 30; Crawford, August 19; Wyandot, August 21; Seneca, August 22; Hancock, August 17; Allen, September 7; Auglaize, September 4; Shelby, September 2; Mercer, September 5; Van Wert, September

ber 9; Paulding, August 15; Defiance, August 14; Henry, August 13; Fulton, August 9; Williams, August 7; Wood, August 10; Putnam, September 10.

Common Pleas.

Union, February 18, May 6, October 28.
 Hardin, February 11, April 22, October 14.
 Marion, January 14, March 25, September 30.
 Logan, February 25, May 25, November 11.
 Shelby, January 28, April 8, September 16.
 Anglaize, January 22, May 21, October 8.
 Allen, February 26, June 18, November 19.
 Mercer, January 15, May 14, October 1.
 Van Wert, February 12, June 11, November 5.
 Putnam, February 5, June 4, October 22.
 Paulding, February 5, June 18, September 24.
 Defiance, January 28, May 6, September 30.
 Henry, February 12, May 14, October 15.
 Fulton, March 19, May 21, October 22.
 Williams, March 5, May 28, November 5.
 Wood, March 19, June 4, November 19.
 Seneca, February 26, May 28, October 22.
 Hancock, March 12, June 11, November 5.
 Wyandot, February 18, May 20, October 14.
 Crawford, February 5, May 7, October 7.

FOURTH DISTRICT.

District Court.

Erie, April 22; Huron, April 27; Lucas, April 15; Sandusky, April 20; Ottawa, April 25; Lorain, August 29; Medina, September 2; Summit, September 5; Cuyahoga, September 10.

Common Pleas.

Erie, February 11, May 13, September 30.
 Huron, March 4, June 11, November 4.
 Lucas, February 25, May 20, October 14.
 Sandusky, February 11, May 6, September 30.
 Ottawa, March 26, June 4, October 22.
 Lorain, March 5, June 4, November 19.
 Medina, February 19, May 21, November 5.
 Summit, January 29, April 30, October 15.
 Cuyahoga, February 11, May 13, November 4.

FIFTH DISTRICT.

District Court.

Madison, May 7; Franklin, May 8; Pickaway, May 13; Fayette, May 16; Clermont, October 4; Ross, September 19; Highland, September 23; Adams, September 26; Brown, September 30.

Common Pleas.

Adams, February 13, May 22, October 15.
 Clermont, February 26, June 18, November 19.

Brown, March 12, June 4, October 29.
 Ross, February 12, May 21, August 27.
 Highland, January 15, April 16, July 16.
 Fayette, April 2, July 30, November 12.
 Franklin, March 18, June 24, November 11.
 Madison, February 12, May 22, October 9.
 Pickaway, February 26, June 4, October 22.

SIXTH DISTRICT.

District Court.

Coshocton, June 4; Licking, June 13; Delaware, June 24; Morrow, June 26; Richland, June 27; Knox, July 1; Ashland, July 5; Wayne, July 8; Holmes, July 9.

Common Pleas.

Delaware, January 21, April 22, September 23.
 Knox, March 19, August 13, November 5.
 Licking, February 12, May 14, October 15.
 Coshocton, April 2, August 13, November 5.
 Morrow, February 12, May 14, October 15.
 Richland, March 19, August 27, November 19.
 Ashland, February 26, August 6, October 5.
 Wayne, March 12, August 20, December 3.
 Holmes, February 19, May 6, October 15.

SEVENTH DISTRICT.

District Court.

Washington, April 11; Meigs, April 15; Gallia, April 17; Licking, April 19; Scioto, April 22; Pike, April 26; Perry, September 3; Fairfield, September 5; Hocking, September 9; Athens, September 12; Vinton, September 16; Jackson, September 20.

Common Pleas.

Hocking, February 19, May 14, October 1.
 Perry, March 12, May 21, October 15.
 Fairfield, March 26, June 4, November 5.
 Lawrence, February 11, May 13, September 23.
 Gallia, February 25, May 27, October 7.
 Scioto, March 18, June 17, October 28.
 Pike, February 18, April 29, October 1.
 Jackson, February 26, May 7, October 9.
 Vinton, March 18, June 4, October 29.
 Meigs, February 11, May 1, September 23.
 Washington, March 4, May 27, October 16.
 Athens, March 29, June 21, November 11.

EIGHTH DISTRICT.

District Court.

Wesley, September 3; Morgan, September 3; Noble, September

11; Monroe, September 13; Belmont, September 16; Guernsey, September 18; Tuscarawas, September 20; Harrison, September 23; Jefferson, September 24.

Common Pleas.

Muskingum, February 11, May 6, September 30.
 Morgan, March 19, June 4, November 19.
 Noble, April 2, June 18, November 5.
 Belmont, February 11, May 27, November 11.
 Guernsey, March 5, May 7, October 22.
 Monroe, March 26, May 21, October 15.
 Harrison, February 4, May 6, October 9.
 Tuscarawas, February 18, May 20, October 21.
 Jefferson, March 4, June 3, November 4.

NINTH DISTRICT.

District Court.

Stark, April 9; Carroll, August 17; Columbiana, April 11; Mahoning, August 20; Trumbull, April 15; Portage, April 13; Lake, April 19; Geauga, April 20; Ashtabula, April 23.

Common Pleas.

Carroll, February 18, April 29, October 9.
 Stark, March 4, June 3, November 25.
 Columbiana, March 18, May 13, October 28.
 Mahoning, February 11, April 29, October 14.
 Portage, March 4, May 20, November 4.
 Trumbull, March 18, June 10, November 25.
 Lake, January 1, April 29, September 2.
 Geauga, February 5, June 4, October 9.
 Ashtabula, January 14, May 13, October 28.

APPENDIX.

CHANGES IN PRIOR LAWS, MADE SINCE JANUARY 1, 1861.

This table points out the changes, additions, repeals, &c., made by express reference to prior laws, from January 1, 1861, to May 1, 1867. The first left-hand column expresses the chapter or page of the act affected; the second the section of the law; the third the subject of the law; and the right-hand figures the volume and page of the session laws by which the change was made. The letter *r.* means repealed; *s. r.* supplied by a new act and repealed; *a.* amended; *supp.* supplemental act; 58 L. 95, is a contraction for Vol. 58 Ohio Laws, page 95, &c.

CHASE'S STATUTES.

Page.	Subject.
1522	Salt reservations, 58 L. 33.
2005	National road, <i>r.</i> , 58 L. 146.

CURWEN'S REVISED STATUTES.

Chap.	Sec.	Subject.
11		Act relating to taverns, <i>r.</i> , 64 L. 25.
13		Contempts of court, <i>a.</i> , 59 L. 31.
16		Dealing with convicts, <i>s. r.</i> , 60 L. 43.
19	2	Penalty for committing abortion, <i>s. r.</i> , 64 L. 135.
28		Poor, <i>r.</i> , 62 L. 29.
34		Deaf and dumb—act of March 3, 1834, relative to, <i>s. r.</i> , 63 L. 119.
50		Rioting in taverns, &c., <i>r.</i> , 64 L. 25.
56	6, 7, 8, 9,	10, 11, 12, 20, 21, 23, 24, 25. Punishment of crimes, <i>s. r.</i> 60 L. 43.
62		Line fences, 58 L. 43.
68		Crimes—treason, 58 L. 110.
—	24	Penalty for stabbing or shooting, <i>s. r.</i> , 64 L. 37.
—	12	Arson, <i>a.</i> , 60 L. 85.
—	17	Criminal costs, 59 L. 49; 60 L. 66; 62 L. 77.
—	18	Crimes—grand larceny, 58 L. 76; 60 L. 20.
68	19	Larceny, 60 L. 20.
—	22	Crimes—forgery, <i>s. r.</i> , 62 L. 60.
—	36	Crimes—abetting, <i>s. r.</i> , 61 L. 53.
—		Criminal law, statement of ownership, 61 L. 54.
83		Costs, stamps or process and sheriff's deed, 60 L. 74.
90		Abduction of citizens, <i>s. r.</i> , 60 L. 72.
103		County recorders, <i>s. r.</i> , 61 L. 28.
108		Turnpikes, <i>r.</i> , 59 L. 58.
130		County treasurers' fees, <i>r.</i> , 58 L. 111.
135	1	Sheriff's fees, <i>s. r.</i> , 62 L. 146.
136	3	Allowance to sheriff, <i>s. r.</i> , 64 L. 59.

CURWEN'S REVISED STATUTES.

Chap.	Sec.	Subject.
142		Fees of county surveyors, s. r., 64 L. 62.
149		Security for criminal costs, 58 L. 68.
—	19	Recognizances, 59 L. 6.
—	23, 24, 26, 27,	Criminal costs, r., 61 L. 23.
—	31, 27	Recognizances, 59 L. 6, 80.
150		Surplus revenue, 59 L. 59.
152		Dower, insane wife, 61 L. 99; 60 L. 24.
—		Dower, insane husband, 59 L. 55.
190		Blind asylum—regulation for government of, s. r., 63 L. 173.
216		Fees of county auditor, s. r., 58 L. 8.
262		Indexing records, fees, s. r., 60 L. 114.
263	3	Jury fees, s. r., 59 L. 63.
272	1	Embezzlement by clerks, s. r., 61 L. 54.
275	2, 3	Unclaimed costs, s. r., 58 L. 130.
280	1	Partition fences, 57 L. 8.
—	7, 14	Fences, r., 62 L. 96.
301	3, 4	Water-crafts, a., 61 L. 14.
306		Exemption from execution, property of militia, 58 L. 113; 59 L. 82.
319		Railroads—fences, 61 L. 105; 59 L. 34.
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